

**THE COMPREHENSIVE GENERAL PLAN  
for the  
CITY OF LOS BANOS, CALIFORNIA**

**Prepared for the Los Banos City Planning Commission  
and City Council**

by

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PART I  
INTRODUCTION TO THE GENERAL PLAN

BACKGROUND

The town of Los Banos was established in the late 1800's when the (now) Southern Pacific Railroad was laid through the heart of the San Joaquin Valley, and when cattle raising and wheat production were the principal economic activities of the day. It was the railroad's alignment that influenced the diagonal pattern of streets and blocks in the area immediately surrounding the community's downtown. It was many years before the town outgrew the original town plat established by the railroad and changed the street pattern for newly developing areas to a more conventional layout with north-south and east-west street alignments.

In its early years, the community of Los Banos was the center of the vast cattle and farming empire established by Henry Miller and Charles Lux. They acquired much of their land directly from Spanish settlers who had attained ownership under the land grant program instituted by Spain for the colonization of the Californias.

The City's population remained fairly stable (under 5,000) until the early 1960's when the San Luis Dam and Reservoir and the California Aqueduct were constructed as key features of the California Water Project. These water projects stimulated population growth and economic activity, and by 1970 the City's population had nearly doubled to approximately 9,200. In 1964, during construction of these projects, the City adopted its first General Plan document which covered the topics of land use, population and streets and highways. Policies and projections of the plan were predicated on the assumption that much of the labor force and payroll that was generated by water project development would remain in the Los Banos area. From 1962 to 1964, contract construction employment within the County of Merced increased from 900 to 2,600 jobs, due largely to the on-site labor force required in the construction of the San Luis Project. However, the future growth predicated on this assumption did not materialize. The projection of 25,000 people for Los Banos by 1980 (as contained in the 1964 Plan) will not likely be met until after the turn of the century.

With a current population (January, 1988) of approximately 13,000, Los Banos has reached the threshold where its greatest challenge will be to attract and sustain economic growth while increasing in importance as a residential center for many households now employed in the Santa Clara and San Benito Valleys west of Pacheco Pass. These goals need not conflict, and indeed are intended to become mutually reinforcing aims to be nurtured through the programs of General Plan implementation described later in this document.

Because of the many amendments to the Plan which have been adopted by the City over the past 24 years, and because of major changes which have been made in the local planning mandate prescribed by the State Planning Law, this document has been prepared both as a consolidation of existing policy, and as an articulation of new policies and standards aimed at enhancing the City's overall quality of life for its residents and for visitors to the community.



## NATURE AND FUNCTIONS OF THE GENERAL PLAN

Under the body of statutory and case law which has evolved in California, and General Plan Guidelines issued by the State Office of Planning and Research, the General Plan for Los Banos functions as a "constitution" in much the same way as a state or national constitution. The Plan reflects the City's long-range aspirations of physical form and amenity and provides guidance to the substance of developmental regulations and other programs approved by the City Council which combine as the package of tools necessary to carry out the Plan over time.

The General Plan and Environmental Impact Report (EIR) contained herein has four basic functions:

1. To enable the City Council, upon the advice of its Planning Commission, to express agreement on development policies;
2. To provide clear guidance in judging whether projects proposed by public agencies and private developers are in close agreement with policies of the General Plan;
3. To allow and provide the basis for making intelligent changes to the Plan as time and changing circumstances may dictate, while being true to its purposes; and
4. To provide an environmental assessment of the future urban pattern as a framework against which to identify, measure and compare the probable environmental consequences of a specific project which may or may not be consistent with policies of the General Plan.

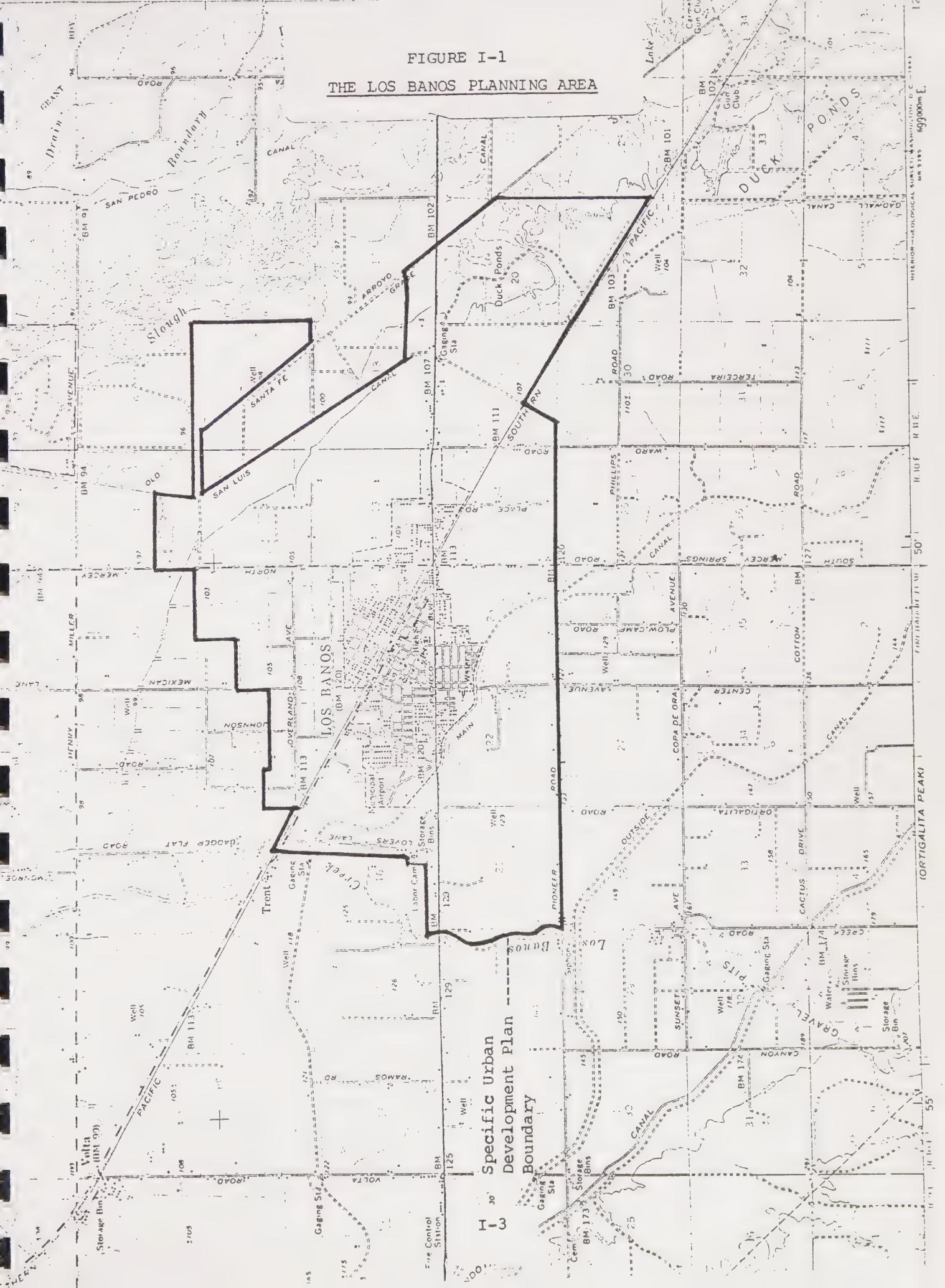
The principal characteristics of the Plan are that it is comprehensive, long-range and general. It is comprehensive in that it embraces all aspects of existing and future physical development of the community, public and private. It is long-range in that it presents a view of the physical character to be achieved over the next 22 years. And, it is general in that it provides for innovation and flexibility in working toward the achievement of the Plan's goals through the many public and private actions that are and will be necessary for Plan implementation.

## THE LOS BANOS PLANNING AREA

The area covered by the Plan is prescribed by the City's "Sphere of Influence" (SOI) as adopted by the Merced County Local Agency Formation Commission (LAFCO). The SOI is referred to locally as the Specific Urban Development Plan (SUDP) boundary as shown on Figure I-1. The SUDP boundary includes all of the area within the existing City limits, the area that is expected to urbanize over the next 22 years (most of which will be annexed to the City), and unincorporated territory of the County where various types of development may be proposed to the County which will have an influence on the interests of the City. In the latter case, County policies and procedures provide opportunity for the City to express its position and recommendations for County action, consistent with adopted policies of the Los Banos General Plan and the Merced County General Plan as adopted by Merced County.



**FIGURE I-1**  
**THE LOS BANOS PLANNING AREA**





## USING THE GENERAL PLAN AND RELATED DOCUMENTS

The General Plan has been organized to save the reader time in identifying and understanding those development policies and proposals which most affect the reader's interests. Supporting material is found in a series of separate documents that in effect constitute a technical supplement to the General Plan, including the following:

- Full text of the Noise Element of the General Plan, 1987. [\*]
- Full text of the Housing Element of the General Plan, 1986. [\*]
- Full text of the Conservation/Open Space Elements, 1973. [\*]
- Full texts of the Seismic Safety and Safety Elements, 1974. [\*]
- Full text of the Recreation Element as adopted by the Recreation Commission, 1988.
- Los Banos Municipal Airport Master Plan, 1976. [\*]
- Storm Drainage Study and Master Plan, 1981.
- Sanitary Sewerage Study and Master plan, 1981.
- Street Tree Ordinance, Master Tree List & Planting Guide, 1985.[\*]
- Los Banos Zoning and Subdivision Ordinances (as amended). [\*]

These documents are available in Los Banos at the Office of the Planning Director, City Hall, 520 "J" Street, and may be useful for the professional firms and individuals who require more detailed technical data in preparing development proposals for review by the City. The reader's attention is directed to the fact that because of its singular importance in implementing land use policies of the General Plan, the Zoning Ordinance is being revised to be consistent with the General Plan. Of special importance will be the procedural sections of the ordinance which set forth requirements for preparing an adequate application for such permits as change of zone district, planned development, conditional use, special zoning exception, variance and site plan and architectural review.

Most of these documents contain a refined set of policies and directions for action with respect to the functional purposes of the document. Those designated with an asterisk [\*] have been adopted by the City Council as official City policy, while others are informational or have been proposed for adoption. In any event, all should be considered as presenting a body of policy which may be made mandatory as a condition of development approval. The extent to which these referenced documents are consistent with the General Plan is described in Appendix "C".

## FORMAT AND CONTENT OF THE PLAN

The General Plan is presented in six parts (including this introduction). Part II provides a description of the environmental setting which serves to



meet requirements of the California Environmental Quality Act (CEQA) for purposes of the General Plan EIR and for environmental assessments that may be required for specific development projects.

Part III describes the goals and major policies of the Plan. Part IV presents descriptions of the seven mandatory elements of the Plan (Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety) and the Recreation Element which is permissive under State Law. Certain Elements previously included in the 1987 version of the General Plan have been deleted or otherwise incorporated as part of this current General Plan document. The Scenic Highways Element is no longer required by State Law, nor was it required in 1974 or thereafter since none of the State Highway sections which pass through the community are included on the State's adopted Master Plan of Scenic Highways. More appropriately, the General Plan contains policies in the Land Use and Open Space Elements relating to the improvement of the aesthetic qualities of major entrances and transportation corridors of the City. The Seismic Safety and Safety Elements have been combined under recent amendments to the State Planning Law as the Safety Element.

The policies and proposals of the General Plan are given added dimension by the General Plan Diagram which is included with this document. The Diagram depicts only those proposals which are capable of graphic presentation. Although the Diagram usually is referred to more often than the text of the Plan, the Diagram taken together with this entire document constitutes the complete General Plan. The Diagram illustrates, while the text explains.

Part V presents a general strategy and program for Plan implementation. It is included to provide direction to the City rather than policy commitment to specific programs in recognition of financial limitations which impose constraints on the ability of the City (and therefore the timing) to implement various features of the Plan.

Part VI fulfills requirements of the California Environmental Quality Act (CEQA) for an Environmental Impact Report on the General Plan. It describes the environmental evaluation conducted during Plan preparation and review, and identifies key sections of the Plan document which meet various requirements of CEQA Guidelines for EIR preparation. The EIR is made an integral part of the Plan so that its conclusions and mitigation measures will be readily available as decisions are made concerning Plan implementation and future Plan amendment.

It is to be noted that the EIR is also intended to avoid the City having to require the preparation of EIR's for specific public and private projects when the potential impacts and needed mitigation are adequately addressed by the General Plan EIR. The more common application of CEQA will be in the form of an Initial Study of Environmental Impact Assessment (EIA) to determine whether further assessment is required under an EIR, or whether the City should more appropriately make a finding for a Negative Declaration. This approach will save time and expense for all parties concerned, while satisfying the full intent of CEQA.



PART II  
THE ENVIRONMENTAL SETTING

LAND USE

The environmental setting of the Los Banos planning area is dominated by residential, commercial and industrial use, with supporting public and semi-public facilities such as schools, churches, hospital, government offices and public utilities. The City limits encompasses an area of approximately 5.5 square miles (3,315 gross acres of land), including streets, and is surrounded by agricultural land devoted mostly to field crops and pasture. Approximately 39% (1,300 acres) of the land within the City is vacant, and about one-third of this vacant acreage has been zoned for residential development.

The distribution of urban land use within the City's Sphere of Influence (SOI) boundaries by major category of use is as shown in Table II-1.

TABLE II-1

DISTRIBUTION OF URBAN LAND USE  
(July, 1987)

<u>Land Use Category</u>	<u>Gross Acres [1]</u>	<u>% of Total</u>
Low Density Residential (Single-Family)	831.9	52.1
Medium Density Residential (Multi-Family)	88.0	5.5
Commercial	233.8	14.7
Industrial	95.8	6.0
Schools/Parks/Recreation	146.3	9.2
Other Public & Semi-Public [2]	<u>200.1</u>	<u>12.5</u>
TOTALS	1,595.9	100.0

[1] Includes area in public street right-of-way.

[2] Includes such public and semi-public uses as the City Airport, the County Fairgrounds, County Offices, Merced Community College, City, County, State and Irrigation District Corporation Yards, City Hall, Police and Fire Stations, Courts, Post Office, Hospital, Churches, Child Care, Utility Offices and yards, Mortuary, Fraternal Lodges and Convalescent Hospital. The sewage treatment plant and disposal ponds are not included in this table.



Gross acreage, including streets, is a useful measure of land use since all categories of use are served by public streets. It should be noted, however, that the total amount of area in streets is about 450.2 acres, or 28.2% of the gross acreage of urban land use. [Note: This includes highways, streets and roads within the area bounded by Overland-Santa Barbara-Quail Street on the north, Pioneer Avenue on the south, the San Luis Canal on the east and Ortigalita-Badger Flat Road on the west.]

Since 1963, the total amount of developed urban acreage, including streets, has increased from 1,020 to nearly 1,596 acres, or approximately 56.5%. New single-family residential development since 1963 has been concentrated in the area north of Willmott Road north of the Fairgrounds and on either side of Mercey Springs Road in the Pacific Highlands, Fairview Park and Ranchwood Estates subdivisions. The next level of concentration has been in the Presidential Estates and Virginia Estates subdivisions immediately north, south and west of the High School. The third level of concentration has been the Racquet Club Park development north of San Luis Street and east of Mercey Springs Road. In the western part of the community, single-family development has been limited to the filling in of the Los Banos Gardens #1 subdivision south of the airport and the Main Canal.

Multi-Family concentrations have occurred in the vicinity of the hospital both north and south of West "I" Street and along San Juan and Santa Rita Avenues north of "G" Street and west of Mercey Springs Road.

Primary retail commercial expansion has occurred with the addition of major community commercial shopping centers along Pacheco Blvd. south of the airport, and at the southwest corner of Pacheco and Mercey Springs Road. In addition, many new small businesses catering to highway traffic developed in the one mile corridor of Pacheco Blvd. between South Seventh Street and West "I" Street.

Major industrial expansion has involved the addition of food processing and light manufacturing unrelated to agriculture. A new industrial area has been added in the northwestern part of the community between the S.P. Railroad and Willmott Road.

Significant new additions have been made to the inventory of school and park sites since 1963, including the current high school, the branch campus of Merced Community College, the new 50 acre regional park (11 acres developed) at the north end of the city along Mercey Springs Road, and Talbott neighborhood park along San Luis Street.

#### TRANSPORTATION, TRAFFIC AND CIRCULATION

Primary transportation and circulation facilities connecting Los Banos with the region are shown on Figure II-1. State Route 152 (Pacheco Blvd.) has been developed to expressway status for most of its length between Route 99 at Chowchilla on the east and Pacheco Pass in the Coast Range on the west. Route 152 is the most important east-west interregional highway within the San Joaquin Valley south of the I-580/I-205 linkage between Tracy and Modesto. It connects Los Banos and the San Joaquin Valley with the North Central Coast and the San Francisco Bay Area via Routes 101 in the Interstate 5.



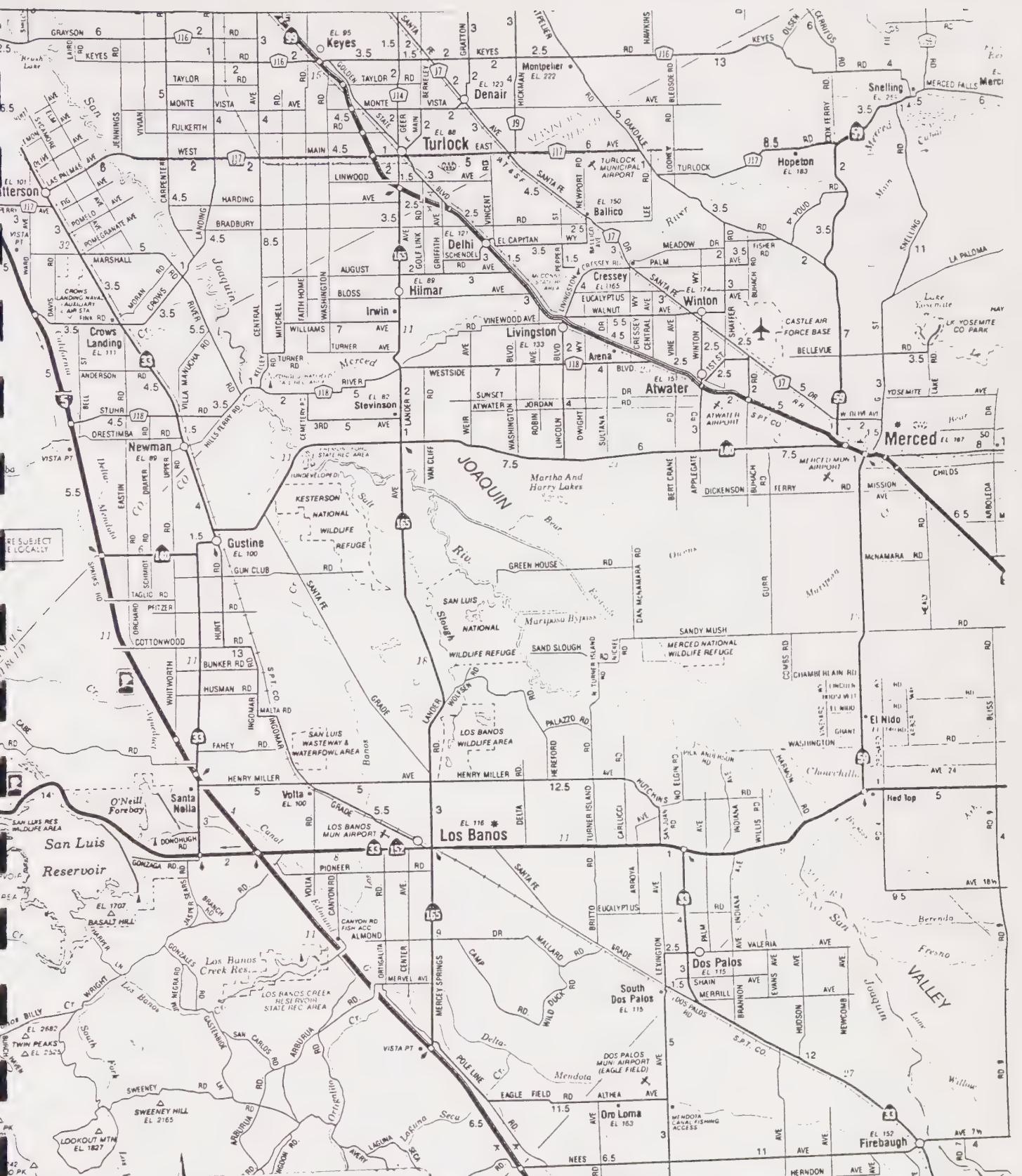


FIGURE II-1

REGIONAL TRANSPORTATION FACILITIES



The reconstruction of Route 152 as a four-lane expressway from the west side of Pacheco Pass to State Route 101 at Gilroy is expected by 1990. With completion of this highway improvement project, substantial additional truck and auto traffic through Los Banos is anticipated. Route 152 has an average daily traffic (ADT) of approximately 14,300 vehicles between Mercey Springs and West "I" Street with truck traffic accounting for approximately 9.3%. Of total truck traffic, about 68.5% (over 900) involve semi-trailers with five or more axles. This high degree of truck traffic continues to pose problems of noise, traffic congestion and traffic safety in the section of Route 152 between Mercey Springs Road and West "I" Street which lacks adequate highway capacity, signalization and left-hand turn capabilities.

The completion of Interstate 5 from Wheeler Ridge in Kern County on the south to Tracy on the north in the early 1970's has had a positive economic impact on Los Banos and the surrounding area. Passing Los Banos only eight miles to the west, it has provided an almost direct linkage with metropolitan areas of the State in both Northern and Southern California and with Interstate highways connecting with neighboring states. With the completion of Interstate 5, Mercey Springs Road was designated as a State highway (Route 165) from Turlock at Route 99 on the north to its intersection with I-5 10 miles south of Los Banos. Route 165 is the only State highway which provides a connecting north-south link between Route 99 and Interstate 5 throughout the length of the State. Route 165 has an ADT of approximately 6,000 north of Pacheco Blvd., with truck traffic accounting for approximately 5.2%.

State Route 33 is an important intra-regional highway facility which connects cities and towns along the west side of the San Joaquin Valley. Locally, it connects Los Banos with the communities of Santa Nella, Gustine, Newman, Crows Landing, and Patterson on the north, and with Dos Palos, Firebaugh, and Mendota on the south. Prior to the construction of I-5, Route 33 was the only north-south state highway available to provide accessibility to the west side of the Valley. Route 33 remains as an important highway for Los Banos by providing accessibility to Los Banos's commercial centers from the communities to the northwest and southeast. Prior to the creation of Route 165, Route 33 followed 152 to Los Banos, exiting to the northwest along the Ingomar Grade to Santa Nella. Route 33 has since been consolidated with Route 152 from the Dos Palos "Y" west to its direct northly route to Santa Nella along the east side of the O'Neill Forebay.

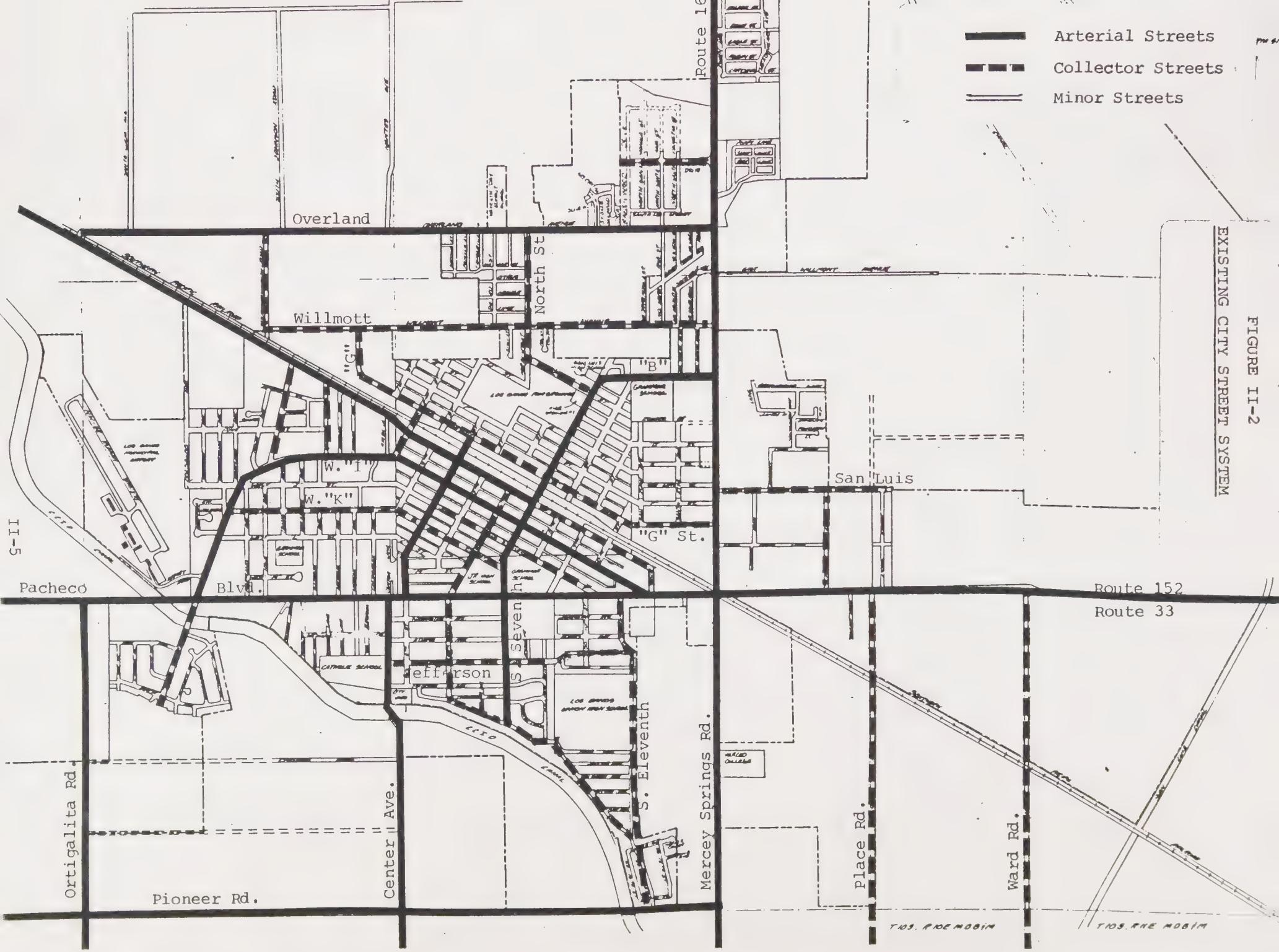
The Southern Pacific Railroad serves the community on trackage which connects with the San Francisco Bay Area to the northwest and with Fresno to the southeast. While not mainline trackage, the line provides connecting service for commodity and industrial shipments from Los Banos.

The City's 3,000 foot runway airport at the west end of the community provides for general aviation, charter and limited weight air freight service. Previous use for crop dusting has been modified to allow only aircraft maintenance and aircraft dispensing of seed and fertilizers to agricultural clients. The dispensing or "dusting" of chemicals used in agricultural production has been discontinued and occurs only from private airstrips in the surrounding agricultural area. With the exception of flights by crop dusters, aircraft operations are limited to those generated by 28 permanently based aircraft and occasional use by enroute transient aircraft. Total aircraft operations have remained stable over the past decade.



FIGURE II-2

## EXISTING CITY STREET SYSTEM





The existing City street system is shown in Figure II-2. Average daily traffic (ADT) volumes on segments of the Arterial Street System (other than Pacheco Blvd. and Mercey Springs Road) range from a high of approximately 7,600 on the north leg of the Fourth Street/Pacheco intersection, to a low of 1,650 at the south leg of the Ortigalita/Pacheco Blvd. intersection. Along the Collector system, ADT ranges from a high of about 5,650 at the east leg of the San Luis Street intersection with Mercey Springs Rd. to a low of 680 at the south leg of the S. Eleventh/Page Avenue intersection.

Traffic congestion occurs sporadically during peak hours, and at major activity centers and railroad crossings. Intersections where traffic safety problems occur include all of the non-signalized intersections with Pacheco Blvd., and especially the "I" and "J" Street intersections. However, the street system generally can be characterized as providing safe and efficient movement of traffic most of the time. Significant changes in traffic volume that have occurred since 1963 and ranking of streets by highest average ADT is shown in Tables provided under the description of the Circulation Element.

#### SOCIO-ECONOMIC CONDITIONS

##### Existing and Projected Population

The City has an estimated population of approximately 13,000 as of January 1, 1988. Based on historic growth trends since 1980, the City's General Plan anticipates a population of approximately 19,000 by the year 2000 and 26,000 by the year 2010. This projection reflects the 3.2% annual average rate of population growth that occurred since 1980, when residential growth reappeared in earnest after a serious lag in activity during the 1970's. Unpublished projections prepared by the Merced County Planning Department indicate a 2000 population for Los Banos of about 18,850 [see Table 4-31, Draft Environmental Impact Report, Quinto Ranch New Production Plan, United Technologies, March, 1986.]

The City considers an annual average population growth rate in the range of 3.0% to 5.0% to be reasonable in relation to its ability to provide essential services, and without experiencing a reduction in the level of services that existing residents have become accustomed to receive. X

##### Economic Characteristics

Existing socio-economic conditions within the City as of 1986 are summarized in Table II-2. Some of the major points that can be drawn from the data include the following:

1. The City had a population of about 12,620 at the beginning of 1986 who were living in 4,120 housing units. The City's "primary" trade area contains a population of about 20,700, which includes Santa Nella, part of the Dos Palos area, and a large unincorporated rural area which overlaps the primary trade area of Gustine. [Source: extrapolated from 1980 Census Tract data]



TABLE II-2

SUMMARY OF SOCIO-ECONOMIC CONDITIONS IN LOS BANOS

1986

<u>Community Characteristics</u>	<u>Existing Conditions</u>
Population	12,620
Households	4,122
Housing Units	4,435
Single-Family	3,230
Multi-Family	1,205
School Children (Grades K-12)	2,955
Employed Residents	4,706
Local Jobs	5,200
Total Household Income (Mil.of \$'s)	\$ 91
Average Household Income/Year	\$ 22,100
Building Area (000's of sq. ft.)	8,700
Assessed Valuation (Mil.of \$'s)	\$ 268
Taxable Sales (Mil.of \$'s)	
Retail	\$ 62.2
Non-Retail	\$ 16.4
Local Customers	20,700



2. Average household income is estimated at \$22,100 per year, by comparison with \$ 23,100 for Merced County and \$ 28,700 for the State.
3. The City is a significant employment center, with approximately 5,200 jobs. There are about 5,900 residents who are employed in the City and immediate surrounding area. The City's jobs/housing balance is predominantly housing-oriented, since there are only 1.0 local jobs for each household in the City, while the typical household has about 1.4 employed persons. This further indicates that several thousand residents must commute to other communities as their place of employment.
4. Los Banos is the second most important retail center in Merced County. In 1985, taxable retail sales in the City amounted to about \$ 8,600 per household residing in the City's Primary Trade Area. This further indicates that between 30% and 40% of average household purchases were made in other communities about two years prior to the opening of the new shopping center "west" at Pacheco Blvd. and Mercey Springs Road.
5. The City's average assessed value per household was about \$ 60,300 in 1985-86. This is approximately 5% above the \$ 57,600 average for Merced County's six cities.
6. Multi-family housing has increased to where it represents 27.2% of total housing stock. This increase reflects the increasing dependence of young households on apartments for entry level housing during the past decade.

#### LAND, WATER, AIR, BIOLOGICAL, ENERGY, ARCHAEOLOGICAL & HISTORIC RESOURCES AND THE NOISE ENVIRONMENT

##### Land Resources

Land resources surrounding the urban area have been devoted almost exclusively to the production of field crops, pasture and dairy products, with some deciduous fruit and nut production. Terrain is relatively flat, with slopes falling gently to the northeast. The elevation of the City is mostly within the range of 105 to 120 feet above mean sea level.

Soils in the Los Banos urban area generally were formed as alluvial deposits and are capable of compaction for urban use. Soils south of the Main Canal to Pioneer Road, and north of the City in areas of residential growth along the Mercey Springs Road corridor, are generally Stanislaus clay loam which are very deep and well drained, although permeability is slow. Runoff is slow and the hazard of water erosion is light. Agricultural lands are irrigated mostly for beans, cotton, alfalfa, sugar beets, corn, peas, tomatoes and cantaloupes. Principal limitations for urban use are slow permeability, limited load supporting capacity (requiring subgrade treatment) and high shrink-swell potential. Stanislaus clay loam is designated as Class II under the soil classification system of the U.S. Department of Agriculture, having few limitations or hazards for agricultural production.



Soils east of Mercey Springs Road in the area between Pacheco Blvd. and the line of "B" Street on either side of San Luis Street are mostly rated as Class I soils, and basically have no limitations or hazards for agricultural production. Cropping patterns are similar to those for the Stanislaus clay loam. This soil type also predominates in the area both east and west of Mercey Springs and south of Pacheco Blvd. to Pioneer Road.

Virtually all of the soils involving lands designated by the General Plan for urbanization are agriculturally productive. As a consequence, it is important that policies be devised which seek to consolidate rather than expand the urban pattern wherever possible. Soils of lands extending east of the San Luis Canal and the existing urban pattern to Delta Road on either side of Route 152 are an exception in that they are poorly drained and of relatively limited agricultural value. However, they do offer value for the support of wildlife if cover is provided, and in their natural state provide good habitat for wildfowl. The main limitations of the soil for housing development are wetness and high water table, slow permeability, risk of ponding, limited load supporting capacity and high shrink-swell potential.

The closest earthquake faults are the Ortigalita Fault which passes under the San Luis Reservoir 15 miles to the west, and the San Andreas Fault some 35 miles to the west within the Santa Clara and San Benito Valleys. Since the great earthquake of 1906 along the San Andreas, little seismic activity has been felt in the Los Banos area. However, the Los Banos area is classified as having a potential for high severity earthquakes by the State's Urban Geology Master Plan, and the Ortigalita Fault is being considered for inclusion in the zones requiring special earthquake protection under the Alquist-Priolo Special Studies Zones Act. Special geologic study and protection is required under the Act for any structures intended for human occupancy on lands over an active fault. The Ortigalita Fault is considered to be an active fault, and a maximum credible earthquake magnitude of approximately 7.0 [Richter Scale] has been estimated for this fault by competent geotechnical consultants. The combination of earthquake potential and predominant pattern of alluvial soils within the pattern of urban expansion will require earth-quake proof structural design.

#### Water Resources

Groundwater is the source of domestic water supply. The groundwater basin is recharged primarily by rainfall and infiltration, storm water runoff, infiltration from irrigated ditch flows and seepage from rivers and streams within the subregion. New City water wells are drilled and interconnected as needed to provide adequate supplies for municipal and industrial use, including assurance of adequate fire flows. Depth to good quality groundwater in the alluvial fan deposits underlying much of the urban area is on the order of 200 feet.

Surface water is conveyed through the urban area via a series of irrigation and drainage canals. The largest irrigation canals are the Main Canal which has served as the southern boundary for most of the urban area, and the San Luis Canal which has served as the eastern boundary to urban expansion. With construction of San Luis Dam in the early 1960's, any significant potential for flooding in the community has been eliminated.



## Climate and Air Quality

The climate of Los Banos is semi-arid Mediterranean which is typical of the San Joaquin Valley. Summers are dry, warm and often windy, with day-time temperatures typically in the mid-90's. Because of prevailing westerly winds which average 16 mph, and occasional air flow through Pacheco Pass, summer temperatures tend to be a few degrees cooler than more interior sections of the San Joaquin Valley. Temperature inversions are frequent and generally occur at an elevation of 3,000 to 4,000 feet. These inversions can trap air pollutants for considerable periods of time.

Winter temperature inversions are common, but they result from a completely different set of conditions from those occurring in summer. In summer, moisture laden winds are pulled inland by the hot valley and create fog to the crest of the Coast Range. As the fog creeps over the leeward (valley) side, the air expands to absorb moisture and warms rapidly, creating a temperature inversion. In winter, high relative humidities and windless nights combine with cooling of the air close to the surface to create inversions where a warmer air mass may be as high as 4000 feet above the surface. As the night air temperature reaches the dew point, fog is formed which often extends as high as the bottom of the inversion layer. Los Banos is fortunate in that it experiences significantly fewer days of heavy fog than most inland parts of the San Joaquin Valley.

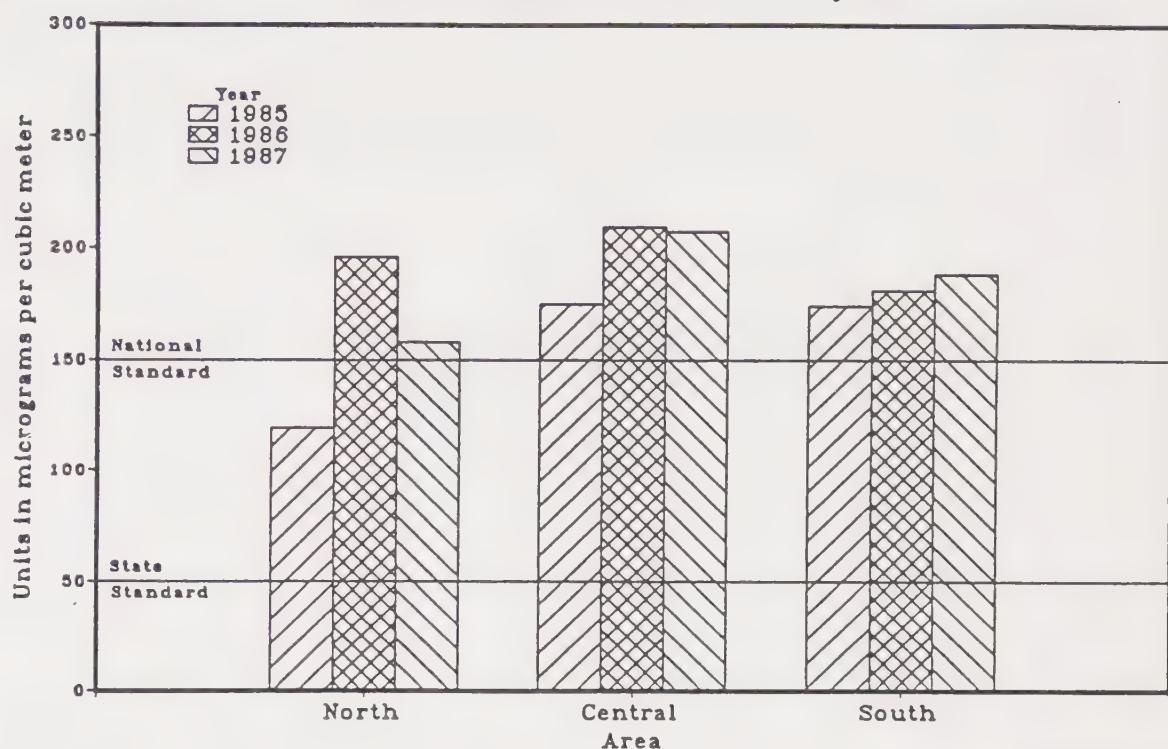
Recent studies completed by the California Air Resources Board place Merced County within the northern 3-county region of the San Joaquin Valley Air Basin, which also includes Stanislaus and San Joaquin Counties. [see "Presentation on San Joaquin Valley Growth and Air Quality Impacts, April 7, 1988", California Air Resources Board.] Principal findings and conclusions that can be drawn from the study include the following:

1. Merced County (as part of the northern region) continues to be a non-attainment area for particulate matter (PM-10) as shown on Figure II-3.
2. The percentage of occurrence of adverse midday visibility in the Los Banos area is well below that experienced by the metropolitan areas of Bakersfield, Fresno and Stockton. Stockton had the lowest percentage of the three metro areas, even though the percent of occurrence increased from approximately 11% to 17% from 1983 to 1986. While interstate 5 traffic and west side agriculture add considerably to total particulate matter and reduction in visibility, the winds from Pacheco Pass have a decided flushing effect on the Los Banos area, maintaining visibility well in excess of 10 miles for most of the year.
3. Carbon monoxide emissions are gradually being reduced as the result of motor vehicle emission control equipment. CO emission concentrations in the Los Banos area are within the state and federal standards of attainment for this pollutant.
4. The Los Banos area continues to be a non-attainment area for ozone along with all other counties of the San Joaquin Air Basin. The greatest concentrations occur along the Route 99 corridor where



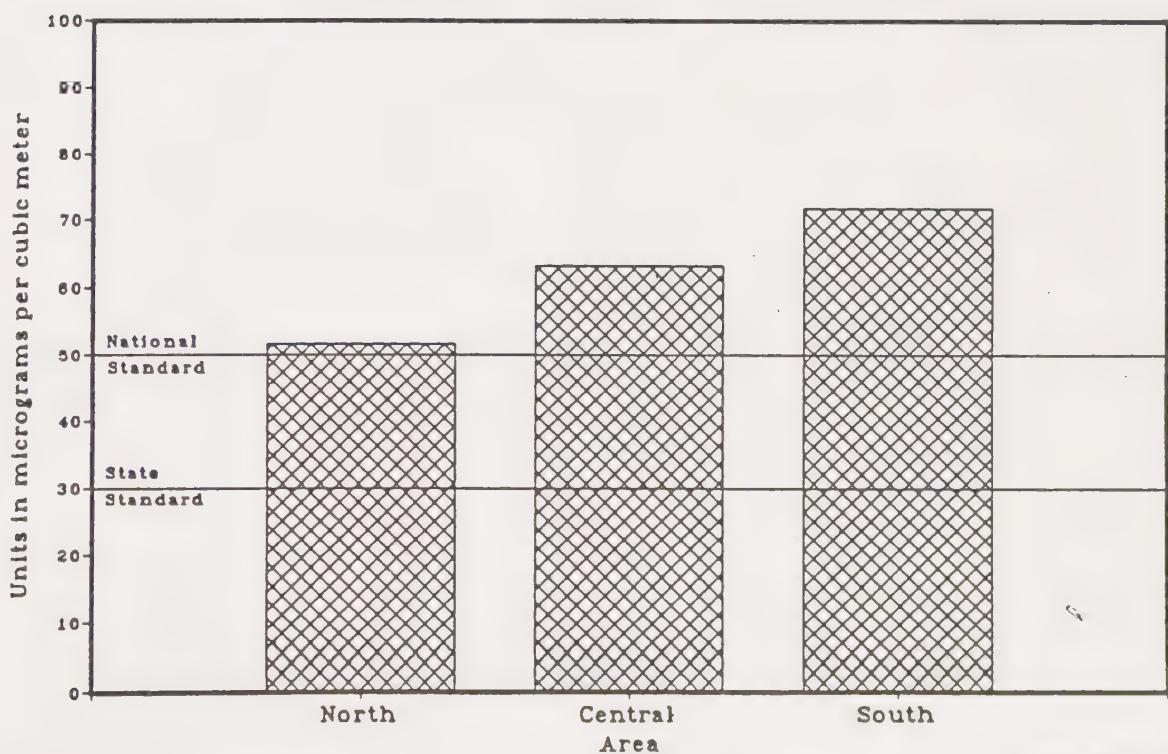
FIGURE II-3

SAN JOAQUIN VALLEY TRENDS ANALYSIS  
PM10 AIR QUALITY, 1985-1987  
Annual maximum 24-hour conc. by area



ARB/TSD:Feb 88

SAN JOAQUIN VALLEY TRENDS ANALYSIS  
PM10 AIR QUALITY, 1985-1987  
Highest annual arithmetic mean conc. by area



ARB/TSD:Feb 88



most of the urban population is concentrated between Stockton and Bakersfield. While concentration figures were not available for Los Banos, its fair to conclude that Merced County as a whole and the Los Banos area in particular experience fewer days of exceedance of the state standard than Stanislaus County. A comparison of episode days of ozone concentrations for the five San Joaquin Air Basin counties with other parts of the state and nation is shown in Table II-3.

TABLE II-3

COMPARISON OF SAN JOAQUIN VALLEY OZONE  
AIR POLLUTION TO OTHER AREAS

(Average of 1984-1986 Data, California Air Resources Board)

<u>AREA</u>	<u>DAYS/YR. EXCEEDING 0.12 PPM [*]</u>
South Coast	154
<u>Kern County</u>	29
<u>Fresno County</u>	21
Houston, TX	19
New York, NY	19
Connecticut	14
Dallas-Fort Worth, TX	12
El Paso, TX	12
<u>Stanislaus County</u>	12
Providence, RI	9
<u>San Joaquin County</u>	8
Philadelphia, PA	7
St. Louis, MO	6
<u>Tulare County</u>	6
Chicago, IL	5
Atlantic City, NJ	5

[\*] State standard of 0.12 parts per million

For the San Joaquin Valley Air Basin as a whole, the Air Resources Board Study provides the following conclusions:

1. The PM 10 problem is among the most complex and difficult in the state (primarily because of wind blown soil particles).
2. Visibility is worse in the south part of the Valley, and trends are uncertain.
3. Carbon Monoxide conditions are improving except in Fresno and Modesto where, after some improvement, conditions appear to be getting worse.



4. Ozone has changed little despite significant reduction in ROG (reactive organics) emissions; air pollution in the Valley generally becomes worse from north to south (and west to east).

#### Biological Resources

There are no rare or endangered species of plants or animals within the existing and planned boundaries of the Los Banos urban area. With the exception of the limited remaining riparian environment along Los Banos Creek which forms the west boundary of the Specific Urban Development Plan (SUDP), all natural areas that existed at the time the community was established have been eliminated through agricultural activities and urbanization. Biological resources, other than those found along the Creek or which involve agricultural crops and ornamental trees and shrubs within the urban area, are limited to annual grasses and noxious weeds on vacant lands, and to small animal and bird populations common to the urban area and its fringe. Common mammals include ground squirrels, rabbits, mice, gophers and opossum. Common birds include robin, mourning dove, meadowlark, sparrow, crow, barn swallow, wren, mockingbird, bluejay and blackbird.

Beyond the City's SUDP, to the north, east and south, are vast acreages which comprise the largest concentration of remaining wetlands in the State. These wetlands are critical to the support of migratory wildfowl of the Pacific Flyway, but are located far enough from the Los Banos urban area so as not to be adversely affected by current patterns of urban expansion.

#### Energy Resources

There are no direct sources of energy within the community except those resulting from privately-owned solar power generation units. All other energy sources (other than wood burning) are provided by the Pacific Gas & Electric Company. Some industries may in the future consider the co-generation of electricity by burning agricultural, industrial or domestic wastes.

#### Archaeological and Cultural Resources

During the period of expansion of the City's wastewater disposal ponds in the late 1970's, field investigations determined the presence of significant cultural resources at two locations along the boundary of the property acquired by the City. Recorded officially as CA-Mer-220 and 221, these sites revealed the site of a large Yokut village with 55 house floors, a large ceremonial ring and a profuse scatter of cultural materials. While legally cleared by the State to proceed with the construction of two effluent settling ponds and a spill zone, the City adjusted its engineering designs to create two open space easements in order to preserve the two sites, and further engaged in monitoring activities over the remaining properties to assure that additional irreplaceable resources would not be lost. While no known cultural resources of this nature have been identified at other locations within the urban area, the potential cannot be discounted.

#### The Noise Environment

Major noise sources within the Los Banos urban area include the steady vehicle traffic along State Routes 152 (Pacheco Blvd.) and 165 (Mercey Springs



Road), vehicle traffic along Seventh Street north of "H" Street, noise from aircraft operations at the municipal airport and intermittent railroad traffic.

The most serious vehicle traffic related noise occurs along Pacheco Blvd. east of Route 165 (Mercey Springs Road), followed by Pacheco Blvd. west of Mercey Springs, Mercey Springs north and south of Pacheco Blvd., Seventh Street north of "H" Street, Overland Avenue west of Mercey Springs and "B" Street west of Mercey Springs. Distances from roadways to parallel noise contours of 60dB and 65dB are provided in the description of the Noise Element contained in Part IV of this document.

Aircraft noise at or above the 60 dB noise contour is contained wholly within the confines of the airport property. However, a few complaints have been received by the Airport Manager concerning the noise generated by aircraft making their final turn and approach to Runway 32 over the Los Banos Gardens Subdivision #1 south of the airport. Most of these complaints have been concerned with tight turns made by high powered crop dusting planes flying during early morning hours.



## PART III

### GOALS AND MAJOR POLICIES OF THE GENERAL PLAN AND THE RATIONALE FOR URBAN EXPANSION

#### GOALS FOR THE LOS BANOS PLANNING AREA

##### The Value of Goals

Goals give meaning to the short, medium and long-range directions for policy and action provided by the General Plan. Goals express the highest aims and aspirations of the community which should be reflected in the day-to-day conduct of the peoples' business. They also express what the community feels it is capable of achieving and what they are willing to work to achieve over time. As the community proceeds with the multiple tasks of Plan implementation, some projects and services reflected in the goals may have to be held in abeyance or advanced in priority, depending on realities or needs at any one point in time. While some adjustments may be required in programs and timing of Plan implementation, goals will retain their value as long as they are not adjusted to reflect the short term limitations that may exist.

##### Balancing the Benefits and Costs of Urbanization through Economic Development.

City government has the authority and responsibility to accommodate urban expansion at costs which are reasonable in relation to the benefits received. This principle is sound but illusive to achieve without enlarging the community's economic base. Costs resulting from urban development are both direct and indirect. Examples of direct costs include: public land acquisition, improvements and long-term maintenance of public facilities. Examples of indirect costs include: omission or postponement of needed improvements or services, an inconvenient pattern of urbanization, inefficiencies in municipal management and the disproportionate burdening of either existing or new residents with responsibility for meeting the needs generated by the other group of residents.

##### Goal No. 1:

Policies and proposals of the General Plan should seek to expand job-creating and revenue-generating activities, including levels of retail, commercial service and industrial expansion which are necessary to support government services required by the expanding population base consistent with the rate of population growth established by the General Plan.

##### Goal No. 2:

The City should seek to maximize the potential of the community as a place of affordable residence for households currently employed outside of Los Banos, consistent with the rate of population growth established by the General Plan.



### Enhancing the Quality of Life

A goal of overriding importance is a dedication to enhancing the quality of life for present and future generations of residents. The standard of living and the quality of life available will be influenced in part by public policies which reflect sensitivity to the many ways in which "environmental quality" is nurtured and achieved.

#### Goal No. 3:

It is a goal of the General Plan to preserve and enhance the quality of living by preventing the degradation of the natural and man-made environment, and by taking steps to off-set the effects of that degradation which already has occurred.

#### Goal No. 4:

Ultimate expansion of the City, as depicted by the General Plan Diagram, is to be phased to create a physical form and character which improves the ways in which the community functions and is enjoyed, and to result in the conversion of agricultural land to urban use only at such time as conversion is necessary to meet the needs of the community.

#### Goal No. 5:

New development (public as well as private) is to reflect high levels of community appearance and image through development regulations which express appropriate concern for visual quality through site planning and engineering, architectural design, landscaping, use of signs, and the maintenance of public and private buildings and sites.

### Equal Opportunity

#### Goal No. 6:

Insofar as reasonably may be possible, policies and proposals of the General Plan should provide for equal opportunity in the availability of jobs, housing and public services needed by existing residents, ethnic minorities, and people of low and moderate income who may choose to live and work in Los Banos.

### Growth Management

#### Goal No. 7:

The City should seek to manage the rate of urban expansion at a level which does not exceed the capacity of the City to provide the necessary levels of community services and facilities required consistent with all other goals of the General Plan. Management policies and techniques should rely on indirect rather than direct means, recognizing that flexibility is both essential and desirable if significant progress toward goal achievement is to be realized over time.



## MAJOR POLICIES OF THE GENERAL PLAN

Policies and proposals described in Part IV serve as working translations of the preceding statements of goals. The major statements of policy which follow are of overriding significance to goal achievement over time.

### A 12-15 Year Perspective on Annexation

It is a major policy of the General Plan that Los Banos undertake an aggressive program of annexation of those lands depicted by the General Plan Diagram as being needed for urban expansion during the next 12-15 years.

The rationale for this policy is to assure efficient long-term governmental management of the urban area, to avoid a fragmented approach to the development decision process, and to assure the availability of lands for development when needed, including residential, commercial and industrial land. This policy is also necessary to place landowners on notice of their respective responsibilities along with those of the City in preparing for eventual urbanization. Such responsibilities include the "carrying costs" associated with long-term maintenance and operation of such public utilities, facilities and services as water, sewer and drainage systems, streets, parks and other recreation areas, schools, police and fire protection, and general government services.

The total amount of acreage depicted on the General Plan Diagram for urbanization during the first 12-15 years reflects consideration of a variety of factors that act to affect the timing of development on a given parcel, including the following:

1. Reasonable availability and capability of providing water, sewer and drainage.
2. Existing patterns of incompatible mixed land use which discourage urban infill at close-in locations.
3. Unavailability of land because of reluctance to cease farming operations, limitations on land disposition established by conditions of trusts and estates, and excessive land pricing.
4. The need for actions by other landowners to develop their lands as a precondition of establishing the feasibility of extending off-site improvements to some parcels.
5. The need for actions by the City through its capital improvement programming or redevelopment authority to assist in the elimination of blighted conditions which discourage private investment on nearby vacant lands.

In the description of the Land Use Element [see Part IV], the total acreage affected by these factors has been quantified to provide support for the proposals for development phasing over the next 12-15 years. An important example is the 1,200 acres that only recently have become available for development in South Los Banos, close-in to the existing urban pattern, as the



result of agreement by landowners to fund the Southeast Sewer Improvement Project. This acreage, located immediately south of the Main Canal and in the areas east and west of Mercey Springs Road between Pacheco Blvd. and Pioneer Road, will eventually contribute to the realization of a more efficient pattern of urban development for the community as a whole.

An important complementary policy to aggressive annexation is to remove over 600 acres previously designated for residential development from the General Plan Diagram.

This acreage is located mostly in the area northeast and northwest of the existing urban pattern. Its removal substantially reduces the population holding capacity of the General Plan to levels consistent with realistic appraisals of need to the year 2010.

An aggressive program of annexation will not adversely affect the agricultural landowner as long as development phasing is not premature. To the contrary, the farmer will benefit from the extension of police and fire protection services. For lands which may not develop until the end of the first 12-15 years, the City will inherit only an immediate responsibility for police and fire protection services and for road maintenance. In many cases, lands to be annexed are sandwiched between parcels already within the City limits. By selecting areas for development through phasing which are reasonably close-in to existing patterns of police patrol, and which do not require excessive emergency response time, strains on the provision of these services can be avoided.

As to road maintenance, most segments of the County road system involved are in reasonably good condition for the agricultural lands which they serve. There is no immediate assumption of responsibility required of the City to undertake road reconstruction and repair to urban standards. Such costs logically should be deferred until improvements are required as part of the urban development review and regulation process.

In addition to the five factors listed on Page III-3, there are several imperatives to be considered by the City and LAFCO in implementing this policy of annexation. First there is the absolute necessity to have sufficient developable industrial land already properly zoned and with utilities in place (or easily provided) if industrial prospects are to take a serious interest in Los Banos. The importance of having such capability has become commonplace among small to medium California cities, with many cities having acquired and developed industrial parks hundreds of acres in area to be "ready" when the opportunities are at hand.

The second imperative is closely related to the first, and involves "land-banking" to assure the capability of a developer to engage in uninterrupted development for periods of from 5 to 10 years, without fear of losing the opportunity for maintaining a stable development and investment environment. Once practiced only in metropolitan growth areas, land-banking is becoming increasingly important for the smaller community. Instead of controlling several thousand acres, the developer invests increments up to a hundred acres or more. The principles remain the same, and advantages accrue to the benefit of both the City and developer, especially when requirements and conditions are established through a well drawn Development Agreement. Such



an agreement reduces the element of risk for the developer as influenced by factors beyond his control, while providing a more competent basis for long-range financial commitments. For the City, it assures that public improvements and levels of service will be available when they are needed in scale with project phasing.

A third related imperative is the need to provide for certain kinds of off-site improvements which typically have not been considered in the drafting of subdivision and other types of development agreements. Examples would be the sharing of costs among all beneficiaries for traffic signals, Arterial street widening and intersection improvements well removed from a project site. The expenses associated with these types of improvements may not need to be met for several years after a development project has been approved, since they reflect long-term cumulative impacts of several projects developed at different times. However, if fair-share contributions are not required of a developer as a deferred costs of improvement, the full burden of cost ultimately will rest with the City. Under conditions of strain in municipal finance, the improvement may not be provided for many years (if at all). Under this circumstance, the real costs to the public become those of unmet needs to be tolerated, and therefor diminishment in the "quality of life" in Los Banos.

Details of the 12-15 year program of annexation advanced by this policy are provided in Part V of this report. In addition, the following discussion responds to the request of the Merced County LAFCO regarding written determinations required of LAFCO by law when an amendment to the City Sphere of Influence (SOI) boundary is initiated. Since only two changes in the SOI are contemplated by the General Plan, discussion is limited to those circumstances [Route 152 Bypass and the proposed golf course/residential project east of the San Luis Canal].

The need for public facilities associated with the Route 152 Bypass is tied to the time when highway construction is completed. Only Highway Commercial development proposed in proximity to future interchange locations would be affected. There are only a few of these areas (see Part IV, Land Use Element and General Plan Diagram) and all affected properties are outside of present capabilities of sewer connection. Temporary use of septic tanks and leach fields, with dry sewer lines provided for eventual connection to the City system, would be in order. The properties are all sufficiently close-in to be served by other utilities and services provided by the City.

The need for public facilities associated with the proposed golf/course residential project east of the San Luis Canal would be immediate, assuming approval of a Specific Plan and EIR for the project. Provision for such service would be made a condition of a development agreement.

The official request for annexation of additional territory by the City will be supported by the adoption of a Comprehensive Annexation Plan (see Part V) which will identify the programs of public facility and infrastructure expansion required as a condition of phased project development. Phasing will also become an especially important consideration during the development review process, especially for projects that may involve land banking for upwards of 10 years.



Policies to avoid the premature conversion of agricultural land under the guise of a land monopoly condition will be made the subject of the Comprehensive Annexation plan. The Plan will identify the extent to which monopoly conditions will be allowed to influence the conversion of agricultural land and whether an over-commitment to the provision of urban infrastructure will be permitted under any circumstances.

#### Managing the Rate of Growth in Population and Housing

Los Banos' annual population growth rate since 1980 has been approximately 3.2% during the first eight years of the 1980's, as compared to an almost imperceptible rate of growth during the 1970's. This rate has occurred in spite of the general recession in the housing industry that occurred during the early part of the decade. During this same period, the rate of housing growth was somewhat smaller, suggesting an increase in multiple household occupancy and therefore overcrowding of some single-family housing units.

Maintaining an average annual rate of population growth which will support the City's goals for economic development is a major policy of the General Plan. The actual rate is considered as being flexible, in the range of 3.0% to 5.0%, as long as the City retains the capability to maintain levels of public service consistent with the level which existing residents have become accustomed to expect.

TABLE III-1

PROJECTED POPULATION, HOUSING AND RESIDENTIAL ACREAGE  
UNDER ALTERNATIVE RATES OF ANNUAL POPULATION INCREASE  
1988-2003-2010

<u>% Population Increase/Yr.</u>	<u>Amount Pop. Increase/Yr.</u>	<u>Housing Units/Yr.</u>	<u>Gross Acres /Yr. + 30%</u>	<u>Gross Acres 2003</u>	<u>Gross Acres 2010</u>
3.2%	590	270	90	1350	1980
4.0%	780	355	118	1534	2596

[Note: Care must be taken not to use the numbers in this table as a basis for private decisions in developing projects to meet the needs of the housing market. The figures are illustrative of what may happen on an overall basis for 15 and 22 year periods. Average annual increases distort the actual annual increases that might occur for the time periods. Incremental increases in population and housing for the 3.2% and 4.0% rates of population increase are shown in Table III-2. However, these incremental increases also only illustrate what can happen, and are not a substitute for the kind of market analysis required by other policies of the General Plan.]



TABLE III-2

INCREMENTAL POPULATION AND HOUSING INCREASES  
UNDER ALTERNATIVE ANNUAL RATES OF POPULATION GROWTH

<u>Year</u>	<u>3.2% Rate</u>		<u>4.0% Rate</u>	
	<u>Population</u>	<u>+ Housing</u>	<u>Population</u>	<u>+ Housing</u>
1988	13,000	180	13,000	230
1989	13,420	190	13,520	230
1990	13,850	190	14,060	240
1991	14,290	200	14,620	260
1992	14,750	200	15,210	270
1993	15,220	210	15,820	270
1994	15,700	220	16,450	290
1995	16,210	230	17,110	310
1996	16,730	230	17,790	310
1997	17,260	240	18,500	320
1998	17,810	250	19,240	330
1999	18,380	260	20,010	350
2000	18,970	270	20,810	370
2001	19,580	270	21,650	370
2002	20,210	280	22,510	390
2003	20,850	290	23,410	410
2004	21,520	300	24,350	420
2005	22,210	310	25,320	440
2006	22,920	320	26,330	460
2007	23,650	330	27,390	470
2008	24,410	340	28,480	500
2009	25,190	350	29,620	520
2010	26,000		30,810	
[Nos. rounded to nearest 10]		5,660		7,760



As shown in Table III-1, a 3.2% rate will increase Los Banos' population to approximately 26,000 by the year 2010, with an annual average increase of approximately 590 people. At a 4.0% rate, the population in 2010 would reach approximately 30,800, with an average annual increase of approximately 780 people. These population figures translate into average annual increases in the number of new housing units ranging from approximately 270 to 355. This range would further require 70 to 90 additional gross acres for residential construction each year, and up to 2,000 acres over the 22 year period to the year 2010.

Because of the uncertainties in the availability of land at any point in time which relate to the factors previously discussed, another 30% or 600 acres is considered necessary for choice. This raises gross acreage requirements for a 3.2% annual rate of population increase from 70 to 90 acres, and to nearly 2,000 acres for the 22 year period. For a 4.0% rate, gross acreage required each year rises from 90 to 118, and to nearly 2,600 acres for the 22 year period.

#### Phasing of Residential Development

The City recognizes the importance of phasing residential development projects in a manner consistent with realistic appraisals of the housing market. Consequently:

Multi-family apartment projects which involve 20 or more housing units, and Single-Family or PUD projects involving 100 or more units or lots shall be based on competent housing market analysis in support of the proposal, as determined by the City Council. Multi-Family projects involving 50 or more housing units and Single-Family or PUD projects involving 100 or more units or lots may require phasing in order to mitigate potential adverse impacts on schools, recreation, circulation and traffic and other areas of local government service. Where phasing is required by the City, the City may also require project development under the terms of a Development Agreement as prescribed by Sections 65864 et. seq. of the California Planning Law.

#### Achieving Visual and Functional Quality in New Development

Several related policies are necessary to assure quality in the functional and aesthetic characteristics of new development:

A cooperative approach to achieving architectural design review is required for all multi-family, professional office, commercial and institutional uses; procedures for architectural design review are needed in the Zoning Ordinance which provide for the submission of building plans to the City for review, with compliance by the applicant to be permissive rather than mandatory.

Eligibility for density bonuses under Planned Unit Development applications shall be based on objective criteria provided in the Zoning Ordinance.



Except as provided by State Law for low and medium income housing development, density bonuses shall be prohibited for Planned Development applications within Low Density areas shown on the General Plan Diagram.

The concept of permissive compliance by an applicant with recommendations of an Architectural Review Committee appointed by the City Council has had success in several California cities. The Committee offers suggestions for the design and materials used for exterior building elevations which can be helpful in improving appearance for the same or possibly even less cost. By making compliance permissive rather than mandatory, the Committee relies on the cooperation that it can generate through persuasion to avoid unsightly and garish new construction or remodeling.

#### Redevelopment and Revitalization

Existing areas which are blighted because of deteriorating structures, inadequate street improvements and utilities, by-passed parcels and incompatible types of land use are in need of revitalization through a comprehensive program which can attract new private investment.

The City should expand its involvement in the revitalization of under-utilized and blighted lands through the establishment of a Redevelopment Agency with membership composed of the entire City Council. The General Plan should provide land use policy which provides for "mixed land use" patterns to be applied to blighted areas which are made compatible by selective land clearance, site planning and architectural design. "Mixed use" policy should be made to encourage new private investment to eliminate or rehabilitate uses which contribute little to the economic vitality of the community.



## PART I

### ELEMENTS OF THE GENERAL PLAN

#### SECTION A - THE LAND USE ELEMENT

##### INTRODUCTION

The following text, when taken together with the General Plan Diagram, sets forth the body of policies and proposals which are to provide the basis for the zoning and development of all public and private land within the community. Land use categories included in the text and on the Diagram are described under the proposals of the Land Use Element.

##### POPULATION PROJECTIONS IN RELATION TO LAND USE PROPOSALS DEPICTED ON THE GENERAL PLAN DIAGRAM

One of the major policies of the General Plan as described in Part III concerns flexibility in the rate of population increase to be managed over the next 22 years. As a minimum, the average annual population growth rate has been established at 3.2%, with flexibility up to 4.0% or even greater as long as the City retains the capability to provide essential levels of public service. Under a rate of 3.2%, population would reach approximately 20,850 by the year 2003, and 26,000 by the year 2010. Under a 4.0% rate, population would increase to 23,400 and nearly 31,000 for these years, respectively.

To place these rates of population increase in perspective, even an average annual rate of 3.0% will exceed the rate expected for the fastest growing metropolitan area in the State by 1995. The 4-County Sacramento metropolitan region is expected to realize a 22.7% change between 1987 and 1995, which is equal to an annual rate of 2.84%. The annual rate for California during this period is expected to be approximately 2.15% [Source: Center for the Continuing Study of the California Economy, Palo Alto, January, 1988].

A companion policy concerns emphasis on development over the next 12-15 years through the City's program of annexation. While the more significant aspects of this intermediate range policy on development phasing relates to which lands are to be encouraged for residential development by the years 2000-2003, it is important to note that commercial and industrial land use categories are also involved.

##### Lands Designated as Reserves

Land which are expected to be withheld from development over the next 12-15 years are designated on the General Plan Diagram as "- Reserve". This means that sufficient acreage is now or will be available within the City limits for all major categories of land use (residential-commercial-industrial) to meet the needs of the community, in consideration of a variety of factors which will affect availability as described on page III-3. Designations of reserve status will require reevaluation at least every five years to be sure that the Plan does not encourage monopoly in the land market.



## POPULATION HOLDING CAPACITY BY DENSITY CATEGORIES

The 1964 version of the Land Use Element (as amended over the years) encouraged a far greater extent of residential expansion and population increase than actually occurred by 1988. The greatest surplus in acreage was in the Low Density category which accommodates the bulk of Single-Family detached housing. Therefore, adjustments to the General Plan Diagram have been made to eliminate the imbalance which has existed over the last 24 years, reducing the amount of land previously designated for Low Density Residential by approximately 1,000 acres.

### Holding Capacity to the Year 2010 [see Table IV-1]:

The theoretical population holding capacity of the General Plan Diagram is approximately 37,350, or approximately 2.9 times the existing population of 13,000. However, the practical holding capacity is reduced to approximately 31,200 when factors of land unavailability and incompatible land use relationships are taken into account. Unavailability can occur where land is held off of the market by the owner for land speculation or continued agricultural use, where land is priced too high in relation to any realistic appraisal of market demand, where land is tied up in an estate or trust, or where the extent of off-site improvements required is too costly. All of these constraints have emerged at one or more times in recent years to limit choice. For purposes of holding capacity, this choice factor accounts for a reduction of 2/3 of the 30% reduction in land area applied to arrive at the "practical holding capacity" described above. The other 1/3 reflects lands that are encumbered because of existing incompatible land use relationships.

The spread between theoretical and practical levels of population holding capacity resulting from the above assumptions on land availability could prove to be less than shown in Table IV-1. To the extent that error may ultimately result introduces a margin of safety in the event that the community's average annual rate of population growth may exceed the 4% maximum shown in Table III-2, where the population by 2010 would be approximately 30,800. The most likely factors which could act to increase the anticipated rate of population growth above the 3.2% - 4.0% range described in Part III are a sudden and continuing increase in housing demand by households currently employed in the valleys west of Pacheco Pass and in southern reaches of the San Francisco Bay Area, coupled with a significant increase in local industrial employment opportunities.

### Holding Capacity for the First 15 Years to 2003:

Residential lands which are not designated as having Reserve status are the lands that are to be given priority for annexation for the next 12-15 years. This includes considerable acreage already within the City Limits, and acreage which lies close-in to or which is already a part of the extended urban pattern. The gross acreage of residential land required to meet the needs of the next 15 years is approximately 1,505, involving 832 acres which is already inside the City Limits, and 673 acres outside the City Limits.

The selection of lands to be annexed favors the unincorporated acreage to be served by the Southeast Sewer Improvement Project, lands north of the line of "B" Street extended and east of Mercey Springs, and lands associated with the



TABLE IV-1

THEORETICAL AND PRACTICAL POPULATION HOLDING CAPACITY OF THE  
GENERAL PLAN DIAGRAM

<u>Density Category</u>	<u>Net Acres</u>	<u>HU.s/Acre</u>	<u>No. of HU's</u>	<u>Persons Per HU</u>	<u>Theoret. Capacity</u>	<u>Pract. Capac. [1]</u>
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1988-2003

Very Low	57	1.0	57	3.0	170	170
Low	898 [2]	6.0	5,390 [2]	2.3	11,840 [2]	8,450
Medium	138 [2]	12.0	1,660 [2]	1.8	2,980 [2]	2,090
High	N/A	[Numbers too small to have meaning because all High Density is confined to the built-up residential area surrounding the Central Business Dist.]				
	<u>993</u>		<u>6,620</u>		<u>15,000</u>	<u>10,710</u>
Existing Population:					<u>13,000</u>	<u>13,000</u>
Population Holding Capacity:					<u>28,000</u>	<u>23,710</u>

2003-2010

Low	464	2,780	6,390	5,110
Medium	139	1,670	<u>3,010</u> 9,400	<u>2,410</u> 7,520

1988-2010

Very Low	57	57	170	170
Low	1,282	7,690	18,230	13,560
Medium	257	<u>3,330</u> 11,350	<u>5,940</u> 24,350	<u>4,460</u> 18,190
Existing Population:			<u>13,000</u>	<u>13,000</u>
Population Holding Capacity:			<u>37,350</u>	<u>31,190</u>

[1] The full 20% reduction for choice has been applied to the Low and Medium Density categories for all time periods. However, 10% for incompatible land use applies only to the period 1988-2003.

[2] Assumes only 50% of units associated with the golf course to be resident occupancy [240 S-F and 120 M-F/condominium].



two golf course/residential recreation complexes east of the City (both east and west of the San Luis Canal). Lands to be served by the Southeast Sewer Improvement Project are concentrated along the line of Cardoza Road immediately south of the CCID Main Canal, and on either side of Mercey Springs Road between Pacheco Blvd. and Pioneer Road. The concentration east of Mercey Springs Road would mostly involve in-fill of lands between developed subdivisions extending north to the City's Regional Sports Complex.

The residential densities associated with the municipal golf course (approximately 120 residential acres, 480 single-family units and 240 multi-family or condominium units) are subject to the adoption of a Specific Plan as described at the end of Section IV-A. Only about half of these units are expected to be owner-occupied on a regular basis. The concentration associated with the proposed private golf course immediately west of the San Luis Canal envisions approximately 570-600 housing units. Both of these golf course proposals are mutually exclusive of each other, with a potential that both courses could be constructed by 1995 or earlier. Both projects are to be made the subject of separate Specific Plans and EIR's. In the case of the municipal course/residential proposal, environmental considerations could have a final effect on the appropriateness of the proposed land use and the feasibility of the project.

In the event that the most easterly (municipal) golf course/residential complex fails to materialize, the population holding capacity of the General plan will be reduced and the Specific Plan/EIR designation would be removed from the General Plan Diagram. In the event that the private gold course/-residential complex fails to materialize, the residential proposals are to be retained for development sometime during the period 1989-2003. The acreage otherwise occupied by a golf course should be designated alternatively for Low Density Reserve and/or future golf course development. Such flexibility is prudent since the property is at the only location within the boundaries of the SUDP which is suitable for a golf course in combination with residential use.

#### Holding Capacity Added for the Period 2003 - 2010:

The holding capacity added to the Plan for the period 2003 to 2010 is designated as "- Reserve" on the General Plan Diagram. These include lands south of Pacheco Blvd. to Pioneer Road between Place Rd. and Ortigalita Rd. which are not included in the acreage to be served by the Southeast Sewer Improvement Project, lands east of the line of Place Rd. north of San Luis Street, lands along Overland Avenue along the northerly extension of Second Street, and lands west of Ortigalita Road.

A majority of the residential reserves involve lands in the southern sector which cannot be served by the Southeast Sewer Improvement Project. Development of these lands, along with "Mixed" and Light Industrial land use proposals west of Ortigalita Road, will require that a new sewer line be constructed to the sewage treatment plant. The amount of residential expansion shown along Overland is limited by capacities of the existing trunk sewer serving this area.



The "reserves" add a practical holding capacity of another 8,000 people to that shown for the period 1988-2003 [see Table IV-1]. Implicit in the concept of "reserves" is that reserve acreage be reduced in the event that population and employment experience outstrips current assumptions. Conversely, it implies that reserve acreage be increased by shifting out acreage now included for development during the next 15 years in the event that the rate of population increase begins to fall significantly below current expectations.

#### RESIDENTIAL LAND USE POLICIES AND PROPOSALS

##### Density Standards

The General Plan provides four basic categories of residential density as shown below:

<u>Density Category</u>	<u>Number of Housing Units per Net Acre</u>
Very-Low	0.5 - 1
Low	1 - 7
Medium	8 - 17
High	18 - 22

Within the Medium Density Category, several more specific designations are proposed in order to provide flexibility on the number of housing units that are to be allowed for various types of housing units under the Zoning Ordinance. These subcategories include density limitations for mobile home parks, apartments and small lots for single-family detached homes and zero lot line housing. As long as the specific designation falls within the broader density range shown above, consistency in General Plan policy is maintained. The specific subcategories to be utilized are listed below:

- MD-PD-2.5 2,500 sq. ft. of site area/housing unit.
- MD-PD-3.0 , 3,000 sq. ft. of site area/housing unit
- MD-PD-MH8 , 9 Mobile Homes per Net Acre
- MD-PD-5.0 , 5,000 sq. ft. of site area/housing unit

The above designations have the following meanings: MD = Medium Density; PD = Planned Development; MH = mobile homes. The 2,500 sq. ft. limitation allowing up to 17 units/net acre is intended for application only where a PD is of exceptionally good design and amenity. A separate MH designation is required since mobile home park development typically cannot accommodate more than nine (9) units per net acre and still meet other requirements of site development including landscaping, recreation open-space, common utility area and off-street parking. The 5,000 sq. ft. limitation is intended to permit single-family development on lots smaller than the minimum single-family lot size of 6,000 sq. ft. required by the Zoning Ordinance. This subcategory is



intended for zero lot line and smaller homes designed for the small lot as a means to encourage affordable purchase housing as an alternative to dependence on apartment development for households of moderate income.

Other subcategories may be approved by the Planning Commission and City Council through the process of General Plan amendment for any of the basic density categories of Very Low, Low, Medium or Office-High Density. This allows for innovation without changing basic density policies of the Plan.

Very Low Density (VLD) is intended to accommodate housing at a range of 0.2 to 1.0 housing units per net acre, or lots ranging from one to five acres in area. One area designated for VLD is at the northeast corner of Pioneer and Ortigalita, because this property already has several parcels developed within the VLD density range, and the land is excluded from participation in the Southeast Sewer Improvement Project.

VLD areas are also designated for properties between Pioneer Road and the Route 152 By-pass. This area is especially suited to VLD because it permits large lot development with house placement sufficiently north of the By-Pass alignment to avoid the adverse effects of vehicular freeway noise. And, if greater demand for large-lot development emerges before By-Pass construction, development can take place without jeopardizing the By-Pass alignment. A third advantage of this area is that since the land cannot be served by the Southeast Sewer Improvement Project, large lots with central water could develop without interfering with established utility services.

Low Density (LD) is intended to accommodate housing at up to seven (7) units per net acre. Typically, LD developments will involve single-family detached housing on lots having a minimum area of 6,000 sq. ft. However, larger lots up to a half-acre are also encouraged. Where a developer may wish to further limit density, the City can apply one or more subcategories of density similar to that described above for Medium Density. For example, the General Plan could be amended to provide a subcategory of LD-10.0 (10,000 sq. ft. of site area/housing unit).

Zoning compatibility with these variations in LD development are to be provided by the R-1-6 and R-A zoning districts, respectively, which will be provided in the City's new zoning ordinance. The Planned Development (PD) process is available for application in LD areas as a means to achieve innovation in overall design, including a mixture of dwelling types. However, an important policy limitation of the PD procedure in LD areas is that density bonuses cannot be granted except as may be required under Government Code Section 65915 where certain percentages of total housing meets the criteria for "affordable" housing as defined by law.

Other than bonuses mandated by the Government Code, PD bonuses are limited to Medium Density areas. This is necessary in order to protect the integrity of areas already developed in Low Density that are adjacent or in close proximity to proposed new subdivisions in undeveloped LD areas. An example of incompatibility that can result is increased traffic generated by a density bonus project that depends on its access from streets serving established single-family housing on conventional lot sizes of 6,000 sq. ft. or more.



Medium Density (MD) is intended to accommodate housing at a range of 8-17 units per net acre. This density provides for a wide variety of housing types, including zero lot line, duplexes, half-plexes, triplexes, fourplexes, patio homes on lots with reduced front yard setbacks, garden apartments, condominiums, townhouses, mobile homes in mobile home parks and manufactured housing on permanent foundations on separate lots.

MD areas shown on the General Plan Diagram are located in each of the northeast, southeast, southwest and northwest quadrants of the community. The largest remaining undeveloped MD acreage is located along the east side of Mercey Springs Rd. extending from south of East "B" Street to Overland, between Mercey Springs Rd. and the S.P. Railroad south of Pacheco Blvd., and north of Pacheco Blvd. and west of Ward Road. The latter area is proposed for development as a Mobile Home Park. A fourth concentration is shown in Reserve status west of Ortigalita Rd. and south of Ortigalita Rd. In calculating population holding capacity for undeveloped MD acreage as shown in Table IV-1, an average of 12 units per net acre was applied in recognition of the variety of housing types and subcategories of density that are possible. The number of expected MD housing units by the year 2010 is expected to represent nearly 30% of total housing added to the community.

Zoning consistency with General Plan designations of Medium Density will be achieved by the RM-3 zoning district to be provided in the City's new Zoning Ordinance. Consistency between subcategories of MD density and the Zoning Ordinance is achieved through application of the PD process, where the site area/housing unit limitations set by the General Plan prevail as the development standard required in processing a PD application. It is important to note that the multi-family (R-2) zoning that has been applied throughout the residential area east and west of the County Fairgrounds will no longer be appropriate. This area is designated for Low Density by the General Plan because the area is mostly developed at this density. Continued multi-family zoning would not be consistent with the General Plan. Moreover, it would only foster a weakening of neighborhood character that would jeopardize the City's programs of housing rehabilitation in the area and investments by home owners.

High Density (HD) has been coupled with an Office designation [Office-High Density] to accommodate housing in the range of 18-22 units per net acre. This density range is reserved exclusively for lands in the vicinity of the Central Business District (CBD). The intent is to encourage multi-family development within walking distance of downtown through the private redevelopment of old single-family structures which have outlived their practical utility. Because of the sound physical condition of most older single-family structures close to the CBD, no significant replacement or conversion of structures is anticipated, and therefore no measurable increase in population can be expected.

Zoning consistency with the High Density designation of the General Plan will be achieved by the O - HD zoning district which will permit residential use at 2,000 sq. ft. of site area /housing unit. A typical 50' x 150' lot of 7,500 sq. ft. would be permitted to redevelop with four (4) units. However, a special High Density category not shown on the General Plan Diagram is intended for application to above ground floors of commercial structures within the Central Business District. While the maximum number of housing units is



intended to be the same as that established by the O - HD zoning district, no other regulations will apply except those specified for the CBD - Central Business District commercial zoning district.

Residential Reserves are shown for both the Low Density and Medium Density categories. These designations are intended to indicate lands that generally are not intended for development until after the year 2000 in order to maintain an orderly pattern of residential expansion and an approximate 70% - 30% ratio between Single-Family and Multi-Family development.

Most lands designated residential Reserve are currently in agricultural use. While it is the intent of the General Plan to encourage the development of non-Reserve status lands in priority over those shown as residential Reserves, this policy is not intended to be absolute as a controlling factor in guiding the residential development process. The elimination of a "Reserve" designation can be accomplished through General Plan amendment.

Criteria which may indicate the need to eliminate Reserve status include all of the factors previously described that may affect the unavailability of non-reserve status land (owner decision, speculation, excessive price, estate or trust limitations, or excessive cost of extending or providing water, sewer and drainage utilities or extending city streets). Other criteria may involve major increases in housing demand brought about through significant new local employment, and concomitant desire by the City to at least temporarily increase the rate of annual growth envisioned by the General Plan. Where unavailability of non-reserve status land is claimed, the burden of proof rests with the land owner and/or developer to make the case in support of General Plan amendment, including certified evidence where appropriate as determined by the City Planning Commission and/or City Council.

#### Residential Expansion and Agricultural Land Preservation

Residential land use policy depicted on the General Plan Diagram reflects a significant reduction in the amount of agricultural land that has been encouraged for residential use since adoption of the City's first Land Use Element in 1964. Nearly 600 acres have been redesignated for continued agricultural use, including the redesignation of lands from proposed residential to industrial use east of Place Rd. and north of the Route 152 Bypass. This reduction eliminates considerable potential for further fracturing of the urban pattern through leap-frog development, and represents a reduction in population holding capacity of approximately 6,500.

In the case of the proposed municipal golf course/residential complex east of the San Luis Canal, the need to assure protection of surrounding agricultural land from pressures to convert to urban use is recognized as a major policy of the General Plan [see Part IV-D for discussion].

The proposed alignment of the Route 152 Bypass is intended to serve as an important physical barrier to southern urban expansion, at least for a period well into the 21st Century. This policy will be reinforced by the withholding of sewer service by the City to properties south of the Bypass until development may be justified some time in the future.



## Development Policies and Standards for Medium and High Density Areas

All residential development of land shown for Medium or Office - High Density on the General Plan Diagram, shall be developed in accordance with the following development policies and standards:

1. Residential use shall be reviewed under Planned Development procedures of the Zoning Ordinance for multi-family projects involving 10 or more housing units if a PD designation is included on the General Plan Diagram.
2. The extent and rate at which multi-family development is allowed to occur during a given year shall be governed by realistic demands in the housing market, established by competent housing market analysis. Unsubstantiated market potential for multi-family proposals shall be grounds for project disapproval, even though multi-family use is called for by proposals depicted on the General Plan Diagram or as described in the General Plan text.
3. Multi-family projects involving 20 or more housing units shall include a minimum of 20% of net site area developed as landscaped and active play open space, including front, side and rear yard areas required by the Zoning Ordinance. A minimum of 10% of net site area, excluding required yard areas, shall be developed for the common recreation use of tenants.

Such common recreation areas shall include, as a minimum, the following areas and facilities:

- a. One 20' x 20' play space for young children for each increment of 50 units or less [excluding one bedroom units and units intended solely for the elderly], to include a confined sand base, safe creative play equipment, and security fencing where appropriate as determined by the City.
- b. An area or areas aggregating at least 5,000 sq. ft. for passive recreation (e.g., lounging, sun bathing, barbecuing, quiet conversation, reading), and including areas to be shaded by trees and/or structures.
4. Multi-family projects involving less than 20 housing units shall include a minimum of 10% of net site area developed as landscaped and active play open space, excluding required yard areas, for the recreation use of tenants.
5. For multi-family projects where a partial waiver is requested by the applicant for all or part of the recreation impact fees required by City ordinance, all of the following areas and facilities shall be provided on a minimum of one acre of aggregate site area:
  - a. Recreational open space for either passive or active recreation use, including at least one-half acre of automatically irrigated lawn area.



- b. Court areas involving any combination of area for tennis, badminton, volleyball, shuffleboard or similar hard-surfaced areas designed and intended exclusively for court games.
- c. Recreational swimming areas devoted primarily to swimming and wading, including lap pools and training pools, and further including adjacent lawn area, decks, cabanas or similar facilities, at a standard of 800 sq. ft. of water surface area per pool and 1,600 sq. ft. of land surface area for related facilities, for each 40 housing units.
- d. In-door buildings and facilities, including meeting rooms, exercise rooms and dining rooms, for the recreation needs of project residents.

6. Multi-family projects shall be approved for a time certain as established by the Planning Commission and/or City Council. Generally, the time period shall be one year from the time of approval by the Planning Commission and/or City Council. Written requests for time extensions may be considered and approved only if evidence is provided satisfactory to the City setting forth circumstances beyond the control of the applicant that warrant approval of the extension.

7. Where multi-story housing units are proposed adjacent to existing or planned Low Density areas, building elevations and the location of windows, balconies and air conditioning units above the first story shall be reviewed by the City to assure visual compatibility and residential privacy.

8. Housing for senior citizens shall provide a minimum of one off-street parking space per housing unit; provided, however, that adequate site area shall be provided to permit an eventual ratio of 1.5 off-street parking spaces per housing unit if the development is ever converted in whole or in part to rentals or condominiums which no longer are intended for occupancy by senior citizens.

9. Notwithstanding the provisions of Item 8, above, all multi-family housing projects shall provide off-street parking for visitors at locations reasonably central to the units to be served at the rate of one space for each four (4) units. On-street parking spaces may be substituted for off-street visitor parking at the ratio of one space for each eight (8) units.

10. At least one-half of all off-street parking spaces in multi-family areas shall be covered by a garage or carport.

11. Site development and maintenance shall be in accordance with a comprehensive landscape development plan, including automatic irrigation.



## COMMERCIAL LAND USE POLICIES AND PROPOSALS

### Community Commercial Areas

#### The Central Business District (CBD):

The CBD remains as the largest Community Commercial center with a combination of retail commercial, business and financial services, dining and entertainment, and government offices. The CBD encompasses an area bounded generally by "H" Street on the north, "K" Street on the south, Eighth Street on the east and Fourth Street on the west, with extensions east along the south side of East "I" Street and along the south side "K" Street. This area includes a substantial area of existing office concentration in the block bounded by "J", "K", Sixth and Fourth.

Major features proposed for the CBD include the following:

1. Development of Sixth and "I" Streets as central landscaped corridors with 45 degree angle parking, mid-block crosswalks, pedestrian treatment for mid-block alleys, street furniture and renovation of building facades that can be seen from streets and alleys.
2. Complementary angled parking and landscaping for other streets within the CBD.
3. Additional off-street parking to satisfy the need for all-day static parking of owners, managers and employees of downtown businesses and public service activities, in order to release additional on-street spaces close to businesses for customers. Static parking is proposed on land to be leased from the S.P. Railroad along the north side of "H" Street.
4. Protection of the school sites along the south side of "K" Street, by providing for Office development as a buffer of retail use.
5. Encouragement of second floor residential use as a means to assist in achieving financial feasibility of ground floor commercial development of parcels now occupied with older residential use.
6. Adoption and progressive implementation of a Redevelopment Plan to encompass the entire CBD and residential and other commercial areas within the broad triangular area bounded by the Railroad on the north, Pacheco Blvd. on the south, and the alignment of the canal west of Fourth St.  
→ Old #7 omitted.
7. Gradually replace illegal signs.
8. Establish minimum standards of property maintenance to improve visual character and protect investments in property improvement.

Achieving these features will require more specific planning for the CBD.

#### Outlying Community Commercial Shopping Centers:

The existing Community Commercial shopping centers at the southwest corner of



Pacheco Blvd. and Mercey Springs Road and along the south side of Pacheco Blvd. south of the airport are to be expanded to the east and west, respectively. A 10 acre area of expansion is shown along the east side of Mercey Springs Road south of Pacheco, and a 5-6 acre area of expansion is shown at the southeast corner of Pacheco Blvd. and Ortigalita Road. Both of these areas of expansion will be needed, along with continued improvements to the CBD, to maximize the ability of the community to capture retail purchases now being made by local residents in Merced, Modesto and Fresno.

#### Neighborhood Commercial

Neighborhood Commercial is intended primarily for convenience goods sales close to residential neighborhoods, including food, liquor and pharmaceuticals, and personal services such as barber shop and beauty salon. The two Community Commercial shopping centers described above also serve as Neighborhood centers for the adjacent neighborhoods. Two new Neighborhood centers of 6-8 acres are proposed. One would be along Mercey Springs Road at Overland, and the second would be at Pioneer Road and Center Avenue. In addition, existing small pockets of neighborhood commercial involving one or two small stores are shown on the General Plan Diagram.

#### Offices

Business and professional offices would be accommodated at a variety of locations, including locations in close proximity to the Central Business District, along West "I" Street from the area of the hospital to Pacheco Blvd., along Pacheco Blvd. close to the existing schools and County Park, and along Jefferson Street (extended) south of the Community Commercial center at Pacheco and Mercey Springs.

As noted in the description of High Density, Office use close to the CBD is proposed in combination with High Density. High density and office uses are easily made to be compatible through proper site planning and landscaping, because of similar characteristics of traffic generation, building design, signage, landscaping and intensity of use.

#### Mixed Use Commercial

The designation of "Mixed Use" (MX) has been provided at a few locations to indicate the potential for greater flexibility in the selection of new uses (which would not otherwise be allowed) through the Conditional Use Permit (CUP) procedures of the Zoning Ordinance.

The triangular area along the south side of East Pacheco Blvd. between the S.P. Railroad and Place Road has been designated for Mixed Use Commercial to encourage improvement of this area. The following land use designations are considered to be the most appropriate for this area:

Caltrans Corporation Yard: Existing yard at the west end of the triangle to remain.

Highway Commercial: From the east boundary of the Caltrans Corporation Yard to the east boundary of the motel/restaurant complex.



**Service Commercial:**

From the east boundary of the motel/restaurant complex to Place Road.

It is to be understood that any combination of Highway or Service Commercial use may be permitted within this area under CUP procedures of the Zoning Ordinance.

The largest area of Mixed Use is shown on the General Plan Diagram within the triangular area formed by Pacheco Blvd., Ortigalita Road and the Route 152 Bypass diagonal at the west end of the community. It is to be understood that any combination of Highway Commercial, Service Commercial or Light Industrial use may be permitted within this area under Conditional Use Permit procedures of the Zoning Ordinance. While central sewer service to this area will ultimately be required, temporary use of septic tank/leach field systems of sewage disposal (or other systems approved by the County Health Department) may be permitted where the volume of sewage effluent generated will be minor. In such event, developers shall be required to make provisions for dry sewer lines that will be capable of future connection to the City's sewerage system. Dry lines may be required within public rights-of-way and on-site, subject to the approval of the City Engineer under the terms of a development agreement with the City.

Various properties along both sides of Pacheco Blvd. extending east of Place Road are also designated for Mixed Use because of the mixture of different classes of commercial (and some industrial) that already exists, making it difficult to identify a single category as being most appropriate for this area. It is to be understood that any combination of Highway Commercial, Service Commercial and Light Industrial may be considered within this area under CUP procedures of the Zoning Ordinance.

The Mixed Use shown along both sides of Pacheco Blvd. between 4th Street and Maryland Avenue is intended for any combination of Highway Commercial and Service Commercial use that may be allowed under CUP procedures of the Zoning Ordinance.

Service Commercial

Two types of Service Commercial areas are proposed: 1) for large land users (e.g., farm equipment repair and lumber yards) and uses which provide services to other businesses and industries (e.g., industrial laundry); and 2) for household-related services. The first group would be accommodated on the larger properties available along Pacheco Blvd. close to Place Rd. and Ward Rd., and within Light Industrial areas. The second group would be accommodated along Mercey Springs between East "B" and "G" Streets, and near the airport at Pacheco and Ortigalita Rd.

The land designated near the airport is sufficiently large to accommodate a "center" designed for the purpose, similar to the concept of an auto sales center. In addition to such types of contractors as plumbing, sheet metal, air conditioning, concrete, remodeling and electrical, the center would provide a wide variety of other household-related services. Examples include garden equipment and repair, landscaping and residential irrigation, carpet cleaning, do-it-yourself materials and equipment rental, building materials, auto repair, mini-storage, appliance repair, sign painting and car washing.



### Highway Commercial

Highway Commercial areas are intended primarily to accommodate uses which cater to the needs of the highway traveler. Four new Highway Commercial areas are shown in connection with proposed partial or full interchanges along the Route 152 Bypass at Mercey Springs, Ortigalita and at eastern and western connections of the Bypass with Pacheco Blvd.

Existing Highway Commercial areas are concentrated along Pacheco Blvd. between West "I" Street and Sixth Street, and east of Mercey Springs Road. These existing areas would be expanded where vacant land or easily moved or dismantled incompatible uses exist.

### Development Standards for Commercial Areas

The following development standards shall apply within commercial areas:

1. All lands designated for commercial use within any Redevelopment Project Area will be subject to such additional standards for Site Plan and Architectural Review as may be imposed by the Redevelopment Agency. All proposed projects shall first be approved by the Agency as to use prior to Site Plan Review by the City Planning Commission.
2. Commercial site boundaries adjacent to residential areas should be visually screened with ornamental masonry walls and landscaping. Wall height is to be determined and approved by the Planning Commission.
3. All outdoor storage areas shall be visually screened with ornamental fencing or walls, and landscaping.
4. Street trees and frontage landscaping, with automatic irrigation, is to be provided for all commercial sites outside of the CBD, and may be required by the City within the CBD.

### INDUSTRIAL LAND USE POLICIES AND PROPOSALS

Industrial land use policy seeks to diversify employment opportunity by encouraging industries which are not necessarily related to agriculture, and which can demonstrate through controlled methods of operation (i.e., by meeting performance standards) that they will not adversely affect the community or pose unnecessary risks to the public health.

A related policy fosters continued City's participation in private and county-wide efforts to improve conditions of economic development. Through this participation, high priority is to be given to strengthening existing industries and commercial operations and to attracting new industry and business which will provide support for existing employers.

### Light Industrial

Light Industrial areas include existing fruit packing concentrated along the railroad, manufacturing areas along West Johnson at Willmott Rd., and areas for industrial expansion west of the airport and along Pacheco at Ward Road.



Areas of Light Industrial Reserve are also shown, along Pacheco near the east City limits, along Ward Road north of the Railroad, and along Pacheco west of Badger Flat Rd. The industrial area between the west boundary of the airport and the Main Canal is intended for uses compatible with airport operations.

Some of the existing industrial development along "H" and "G" Streets on both sides of the railroad is in need of rehabilitation. Improvement to these areas probably will require use of the City's redevelopment authority (if a Redevelopment Agency is established).

#### Heavy Industrial

Heavy Industrial areas are limited to the existing milk plant along the south side of Pacheco Blvd. at the intersection of Pacheco and "I" Street, and to Reserve lands located between Place and Ward Rds., south of the Railroad. The vacant parcel directly east of the milk plant is intended for non-manufacturing purposes such as loading and unloading operations so as not to further intensify the potential for noise which would have an adverse impact on residential development and proposed Office development in the immediate vicinity.

#### Industrial Site Development Standards

Industrial sites shall be subject to the same standards for visual screening with ornamental walls, screen fencing and landscaping and street trees and frontage landscaping as provided for commercial areas, above. Operational performance standards are to be provided in the City's new zoning ordinance.

#### PUBLIC AND SEMI-PUBLIC FACILITIES

This broad category of land use includes park and recreation areas, public and private schools, government offices and service yards, drainage basins, hospitals, medical clinics and religious institutions.

##### Park and Recreation Areas

Park and recreation areas are shown on the General Plan Diagram and are described in Part D of Chapter IV [Environmental Resources Management Element]. A major site for golf course/residential and commercial recreation is located east of the San Luis Canal.

##### Elementary and Secondary Education

Four new public school sites are proposed, including a Junior High. The new Jr. High is proposed adjacent to Talbott Park and north of San Luis Street along the line of Place Rd. A K-6 elementary school would be located in conjunction with a new neighborhood park between Willmott and Overland, east of Mercey Springs. A second K-6 facility would be located adjacent to a new park as part of the Cresthills residential subdivision along Pioneer Road and west of the Main Canal. While at the intersection of an Arterial and a Collector street, this second site was selected because of the State's standard for school site location that requires location within two miles of the end of the airport runway. It is proposed that classroom development be confined

X

edited



X

to the northern end of the site to off-set the effects of traffic noise and that all direct access be from the Collector street (Cardoza Road). A third K-6 site is shown at North Street and Overland Road. Final locations in the vicinity of these sites is considered consistent with the General Plan.

Two active parochial elementary school sites are shown on the Plan Diagram. A Catholic school is located at the intersection of Center and Jefferson Avenues. A Seventh Day Adventist school is located along Overland at its intersection with Third Street.

The existing High School site is considered adequate to meet future secondary education needs of the community to the year 2000, and possibly beyond. A 42 acre site for a second high school is proposed along the north side of Overland Avenue, west of Place Road. It is important to reserve a second site so that it will be located in reasonable proximity to the population to be served. Additional classrooms may be required at any given school site in the event that school child generation expands beyond the capacity of the School District to accommodate it.

#### Higher Education

The Plan provides for the expansion of Merced Community College facilities at the existing site. This site should be adequate for all future needs unless a full-service campus is required sometime in the future. While competition amongst competing cities and counties would be keen, there is a distinct possibility that the State may eventually approve the development of a new campus of the University of California in the San Joaquin Valley. In such event, Los Banos would be in a position similar to that of the City of Davis when that campus was authorized several decades ago. Having locational advantages for serving a broad sector of the State, Los Banos should monitor events and participate in public discussions and study efforts in support of a University campus. Alternatives for a large site should be examined west or south of the community along Route 152 capable of providing for agricultural research and education as well as other major lines of academic pursuit.

#### Government

City government offices, including administrative, fire and police would remain at their present locations. Previously cramped office facilities at City Hall were expanded with the construction of a new City Hall in 1987-88 at the same location. As the community expands to the south and east, additional one-engine fire station facilities will be required. The first priority of the Fire Department is at West "I" and West Streets. Second priority is for a site is in the immediate vicinity of the Merced College branch campus. These sites are shown on the Plan Diagram.

The City's Corporation Yard is to remain at its present location at Central and Madison Avenues. A corporation yard is needed by the school district for housing and maintaining the District's fleet of school buses. There are too many options for possible location to warrant designation on the Plan Diagram. The site selected should have direct access from an Arterial street, and should be considered as having the same operational and land use compatibility characteristics as a trucking company. Examples of locations are



along East Pacheco in the Service Commercial or Highway Commercial areas.

County Government offices adjacent to the Fair Grounds would be expanded to the north and/or east on either side of "F" Street, in conjunction with offices for Fair management and an expanded Library facility when needed. The Fair Ground would be expanded to the north, and possible to the southeast along "E" Street. Currently vacant land along the west side of Seventh St. would be landscaped and maintained for overflow parking, with appropriate active recreational use permitted during non-Fair use. [see Part IV D].

#### Drainage Basins

The City is in need of a storm drainage master plan to update the basis for determining storm drainage fees to off-set costs of area-wide storm water collection and ponding facilities. The General Plan clearly intends that such a Master Plan be adopted as an element of the General Plan, and that it be carried out and adhered to as land develops. Where temporary on-site storm water ponding is required because of excessive distance from existing or planned drainage basins and/or collection facilities, provisions shall be made by the City in conditioning land development applications under zoning and subdivision ordinances to assure that eventual connection to planned facilities is both physically and financially possible at a later date.

#### Solid and Liquid Waste Disposal Facilities

Because the City contracts with the County for the maintenance of adequate sites for solid waste disposal, no additional sites are proposed within the Los Banos urban area. Remaining capacity at the County's Billy Wright landfill is sufficient to meet the City's needs to the mid-1990's. Thereafter, the site is capable of expansion for another 10-12 years of service.

The City currently uses a part of the future expansion area for the Regional Park along North Mercey Springs Rd. for the disposal of dry waste concrete and paving materials. This disposal operation is to ultimately provide for full reclamation for regional park expansion. The General Plan proposes that reclamation be carried out progressively so as to allow incremental expansion of the Regional Park as necessary.

The City maintains its sewage treatment plant and effluent disposal ponds on considerable acreage located northeast of the community and outside of the area needed for urban expansion. This well-located site includes substantial acreage for whatever disposal pond expansion may be required over the life of the General Plan.

#### Medical and Other Health Care Facilities

Medical and health care facilities that may be required should be located within stable environments close to the residential areas they serve, and where emergency access from the freeway and the entire community is available via the City's Arterial street system. Medical and medically related offices, hospitals, clinics, laboratories, and rehabilitation, convalescent and nursing centers should be in close proximity to each other wherever possible. Such facilities should not be located within the CBD.



### Churches and Other Religious Facilities

Churches and other religious facilities should be located along elements of the Arterial and Collector street system to assure convenient access from residential neighborhoods and an environment compatible with religious service functions. The need for church sites should be considered whenever possible during the process of reviewing subdivisions. Further church development within the CBD is to be discouraged.

### OPEN SPACE, NATURAL RESOURCES AND SCENIC BEAUTY

While these topics are required by State Law as components of the Land Use Element, they are more appropriately described under the Environmental Resources Management Element in Section D of Part IV. The areas which comprise the City's system of open space, conservation and recreation are shown on the General Plan Diagram, and include school sites, park and recreation areas, landscaped buffers, trails, major canal rights-of-way and landscaped corridors which serve as major entrances to the community.

### STANDARDS OF BUILDING INTENSITY

State Planning Law requires that the Land Use Element "...shall include a statement of the standards of ...building intensity recommended for the various districts and other territory covered by the [General] plan." In the case of Twain Harte Homeowners Association v. Tuolumne County (1982) 138 Cal.App.-3d 664, the court determined that "building intensity" must be defined for each land use category included in the Land Use Element. Prior to this decision, cities in California have typically provided standards of building intensity for each of the separate zoning districts contained in the zoning ordinance. Table IV-2 therefore provides a series of quantitative standards for each land use category which in turn are intended to indicate the maximum extent of building intensity that may be permitted within any of the land use classifications depicted on the General Plan.

### REQUIREMENT FOR PREPARATION OF SPECIFIC PLANS FOR THE PROPOSED GOLF COURSE/-RESIDENTIAL COMPLEXES EAST OF THE CITY

The General Plan Diagram depicts two projects both east and west of the San Luis Canal. The 548 project proposed east of the San Luis Canal poses the more complicated set of potential adverse environmental conditions. Consequently, the development of this complex is contingent on whether a Specific Plan is adopted for the property by the City and County, including certification of an EIR for the Plan and ensuing project development by the City, the County and LAFCO. LAFCO action is required to approve the expansion of the City's Sphere of Influence and SUDP boundary as a condition precedent to annexation. Since the project west of the San Luis Canal poses few environmental concerns, only the specific design of the project is in question (rather than use) in relation to surrounding properties and the future pattern of street circulation.

The Specific Plan process will provide an intermediate level of project planning between the land use, circulation and open space concepts described in



TABLE IV-2

STANDARDS OF BUILDING INTENSITY UNDER THE LAND USE ELEMENT

<u>Land Use Designation</u>	<u>Standard</u>
Very Low Density Residential	20% of Site Area
Low Density Residential	40% of Site Area
Medium Density Residential	50-60% of Site Area
High Density Residential	70% of Site Area
Professional Office	65% of Site Area
Neighborhood Commercial	35% of site area[*]
Community Commercial: Shopping Centers	35% of site area[*]
Community Commercial: Central Business District	100% of site area[*]
Service Commercial	60% of site area[*]
Highway Commercial	60% of site area[*]
Mixed Use	By type of use[*]
Light Industrial	50% of site area[*]
Heavy Industrial	50% of site area[*]
Community Facilities	By type of use[*]
Parks & Recreation; Schools	No Limitation[**]
Other Public and Semi-Public	By type of use[*]

\* - Indicates that there is no absolute limitation that remains constant for each development project. The practical maximum extent of building intensity that may be permitted in any given circumstance will be determined primarily by the combined effects of requirements for off-street parking, required yard areas, landscaped open space, outdoor utility area and outdoor storage area (if any). The most intense commercial building intensity is allowed in the Central Business District where there are no yard spaces required, and where off-street parking requirements may be met on another site or at a site provided by the City under parking fee requirements of the Zoning Ordinance. The practical maximum extent of building intensity will most likely be the lowest on sites for such community facilities as drainage basins and schools.

\*\* - By their very nature, recreation and school sites can be expected to exhibit the lowest practical levels of building intensity of any group of uses described by the General Plan. No standard of maximum extent is therefore necessary or desirable.



the General plan and the detailed design and engineering required for subdivision and other permit approvals required for project construction. Refined definitions of project design, and specially devised regulations and improvements will be required as part of the Specific Plan. Development regulations may be made to either supplement or to substitute for those otherwise required by the Zoning and Subdivision ordinances of the City.

This process will also provide the next "tiered" level of detail required for environmental assessment. The General Plan EIR contained in Part VI of this document concentrates on broad issues, including the loss of 548 acres of agricultural production on the site, alternatives to the golf course complex, and the long-term cumulative and growth-inducing impacts resulting from the complex being separated from the built-up urban pattern envisioned on the General Plan Diagram. More specific environmental issues are to be the subject of the Specific Plan EIR. Examples include: probable impacts on the flyway for migratory waterfowl; impacts on nearby lands, including waterfowl hunting clubs, and impacts of surface water drainage from high intensity rainfall if disposal by canal to downstream users is required.



## SECTION B - THE CIRCULATION ELEMENT

### INTRODUCTION

Components of the Circulation Element include state highways, arterial and collector streets, minor streets, pedestrian ways, alleys, bicycle routes and railroad service. Of these, the street and highway system comprises the heart of the circulation system of the community. Circulation facilities within the community are a function of land use in that they exist to move people and goods among the centers of various types of land use both within and outside the community. In addition, the extent of use imposed by such centers of activity on any circulation facility is a product of the collective demand of land use to be served. It therefore follows that close correlation with the Land Use Element is required in the planning of circulation facilities. Of special importance is assurance that adequate capacity and safety will exist for each of the circulation components at such time in the future as they will be needed.

A policy of overriding significance that affects each of the components of the Circulation Element is as follows:

It is the policy of the General Plan to guide and provide for the development of an integrated system of internal circulation and access to serve all citizens of the Los Banos area, including the young, the elderly, and the physically handicapped, by seeking the following:

1. Increased safety for citizens.
2. The efficient movement of people and goods.
3. Lower vehicle operating costs.
4. Lower vehicle miles traveled and therefore lower quantities and impacts of vehicle emissions.
5. Economy in street construction and maintenance.
6. A circulation system which is correlated and consistent with the needs of land use patterns fostered by the Land Use Element.
7. Minimizing and (where possible) avoiding the disruption of residential areas caused by through traffic.
8. Protection of future rights-of-way needed for Arterial and Collector street widening within developed areas.

### FUNCTIONAL CLASSIFICATION OF HIGHWAYS AND STREETS

The functional classification of highways and streets shown on the General Plan Diagram includes Freeway (Route 152 Bypass), Arterial, Collector and Minor streets. Since traffic generation is a function of land use, two different sections of the same street may require different standards of design and improvement because of different levels of projected traffic, even though the street is classified to perform the same function(s) throughout its entire length.



### Route 152 Freeway Bypass

Route 152 is an element of the State Highway System and is developed mostly to expressway standards between Route 99 at Chowchilla and Interstate 5 which is 10 miles west of Los Banos. Interchanges are provided at important intersections with other State Highways and County Arterials over this distance. West of Interstate 5, Route 152 is developed mostly to freeway status to the bottom of the grade west of Pacheco Pass. From the Dos Palos "Y" to a few miles west of Interstate 5, Route 152 also serves as a connection between independent sections of State Route 33.

### Arterial Streets

Arterial streets provide the principal network for traffic flow within the community. They connect areas of major traffic generation within the urban area, and with State highways and important County Roads. Arterial streets function primarily as carriers of cross-town traffic. They also provide for the collection and distribution of traffic to and from Collector streets which serve residential, commercial and industrial areas. Arterial streets also provide indirect as well as direct access to abutting properties. Indirect access may be preferred in newly developing areas, by backing parcels onto the Arterial street.

In Los Banos, Routes 152 (Pacheco Blvd.) and 165 (Mercey Springs Road) are designated as Arterials because they function as Arterials as they pass through the community. When the 152 Bypass is constructed, Pacheco Blvd. will serve as the business route for the highway through the City.

### Collector Streets

Collector streets provide for traffic movement between Arterial and Minor streets and for traffic movement within major activity centers. They also provide direct access to abutting properties.

### Minor Streets

Minor streets provide for direct access to abutting properties and for very localized traffic movements within residential, commercial and industrial areas.

### Alleys

Alleys are intended solely to provide secondary access to abutting properties. They are most often located to the rear of properties and occasionally provide side access to parcels.

## THE STATE HIGHWAYS

### Existing Route 152 (Pacheco Blvd.) Alignment

Route 152 has an ADT (average daily traffic) of about 14,300 vehicles between Mercey Springs Rd. and West "I" Street, utilizing two lanes in each direction without curb parking. Caltrans has projected ADT to exceed 22,500 by the



year 2010, but it could reach as high as 30,000 if interregional traffic between the San Joaquin Valley and Central Coast counties and the Bay Area increases substantially when Route 152 is constructed to full freeway or partial freeway standards between Route 99 and Route 101.

Construction of the Bypass around Los Banos is not expected for about 10 years. In the interim, Pacheco Blvd. (already is in need of expansion between Mercey Springs Rd. and West "I" Street) is scheduled for widening as part of the State Transportation Improvement Program (STIP) by 1992. This will involve the provision of a continuous left-hand turn lane for much of its length and improvement of traffic movement at key intersections. These improvements will take place generally within an 80' right-of-way, except at key intersections where the right-of-way may be as wide as 100' (e.g., at Mercey Springs). Because of STIP budget limitations, it may be necessary to make only partial improvements to Route 152 through the City as a first phase of development. In such event, it is proposed that priority for improvements be given to the Mercey Springs/Pacheco Blvd. and "I" Street/Pacheco intersections, and to the length of Pacheco between Seventh Street and West "I" Street.

#### State Route 152 Bypass

The proposed Bypass follows southeasterly and southwesterly diagonal alignments at each end of the community to a line about 1/4 mile south of Pioneer Road. The diagonals leave the existing alignment just east of the San Luis Canal and just west of Los Banos Creek. Full interchanges are proposed at Mercey Springs Road and West "I" St./Ortigalita Rd., with partial interchanges at the points where the Bypass leaves the existing alignment east and west of the City. While not shown on the General Plan Diagram, a partial interchange at Ward Road should be considered to provide a west-bound on-ramp and an east-bound off-ramp to serve industrial development to the north.

The Bypass alignment is based on recommendations of City Planning staff in conjunction with independent consideration by District 10 Caltrans staff. Minimum curve radii of 5,000' provide the transitions needed between the existing and Bypass alignments. In transmitting options to the City [letter dated December 30, 1987], inner and outer alignments for the diagonals were shown about 1/4 mile apart between centerlines at each end of the community. The General Plan Diagram alignment reflects the outer diagonal options because of gains realized in land use potential and economies that are possible in interchange and grade separation construction. A grade separation without connection to the freeway is shown at Center Avenue.

The alignment of the Bypass south of Pioneer Avenue is on the quarter section line. An equally appropriate alignment from the standpoint of the City would be along the half section line another 1,320 feet to the south. This would have the benefit of a lesser impact on established farms between Ortigalita Rd. and Mercey Springs Rd. This alternative is shown by arrows and a note on the General Plan Diagram.

The proposed full and partial interchanges were selected in order to assure good traffic distribution to and from the community without introducing unnecessary traffic and congestion along Pacheco Blvd. With an interchange required between the two state highways at Mercey Springs Rd., West "I" St.



becomes the more logical choice to serve the westerly part of the community than does Center Avenue. Moreover, a third full interchange cannot be justified at Center while still retaining the ability to get in and out of town at the two outer points where Pacheco Blvd. would connect with the Bypass.

As a practical matter, it may not be possible to achieve funding for all of the interchange proposals shown on the General Plan Diagram. In such event, partial interchanges at West "I" and at the west end of the community where the Bypass returns to the existing Route 152 alignment would be a reasonable option. It should be noted that elimination of interchange ramps would not eliminate the high cost of a single structure to separate traffic on Pioneer and Ortigalita from traffic on the Bypass.

In the event that an interchange at West "I" is eliminated from consideration, there would be no justification for the Highway Commercial land use designated at the northwest quadrant of the Ortigalita/Pioneer intersection.

The environmental advantages of the Bypass proposal primarily include the reduction of traffic congestion along Pacheco Boulevard, the reduction of noise along the Pacheco Blvd. corridor, and the reduction in vehicle emissions occasioned by removing through traffic from Pacheco Boulevard.

#### State Route 165

The widening of State Route 165 (Mercey Springs) to 4-lanes through the community has been needed for a number of years, but satisfaction has been frustrated by the relatively low priority assigned to expansion as compared to other elements of the State Highway System within the jurisdiction of District 10 Caltrans. The City has been assisting in meeting eventual need for widening by protecting right-of-way as new projects are developed along Mercey Springs. This has included the establishment of a Plan Line along the section of 165 north of Pacheco to the north City Limits.

While Route 165 has only been an element of the State Highway system since the 1970's, its importance as the only north-south connection between Route 99 and Interstate 5 will increase considerably in the future, and especially for regional and interregional truck traffic. This poses the prospect of creating another high traffic state highway through the community similar to current conditions along Pacheco Blvd., with noise levels from trucks that will be virtually impossible to mitigate for land use fronting directly onto Mercey Springs. In order to avoid such conditions in the future, as well as to reduce the traffic conflicts that would increase at the Mercey Springs/Pacheco Blvd. intersection and S.P. Railroad crossing, the General Plan Diagram shows a new Route 165 alignment along Ward Road. This alignment could utilize the Ward Road overcrossing of the 152 Bypass to advantage as part of an interchange with Route 152, with a return to the Mercey Springs alignment provided somewhere south of the 152 Bypass. South and east-bound traffic from 165 and west and north-bound traffic from 152 could utilize the partial interchange between Pacheco Blvd. and 152, whereas south and west-bound traffic from 165 and east and north-bound traffic from 152 would utilize a partial interchange at Ward Road.



## Intersection Signalization

All of the major signalized intersections along Pacheco Blvd. are now in need of improvement of signalization to provide for left-hand turns. The intersections (from east to west) are at Mercey Springs, Fourth Street, Center Avenue and West "I" Street. An intersection where signalization is now required for the first time is at an entirely redesigned intersection at the "I" Street/Eleventh Street triangle [see Figure IV-1]. Intersections where signalization eventually will be required are at Ward Rd., Place Rd., Fourth, and Ortigalita Road. The need at Ward and Place Rds. is dependent on residential development to the north and/or substantial commercial and industrial development in the vicinity. Relocation of Route 165 to the Ward Road alignment would also provide justification. [See Figure II-2 for street map]

There is currently only one signalized intersection along Mercey Springs, at Pacheco Blvd. Additional signalization will be required eventually at the Mercey Springs intersections (from south to north) with Jefferson Avenue, San Luis Street, East "B" Street, Willmott and Overland Road. The need at Jefferson will occur when additional community shopping is developed along the east side of Mercey Springs south of the Railroad (the need already exists during peak AM traffic hours). The need at East "B" already occurs during peak PM traffic hours. The need at Willmott and Overland probably will not occur for 10 or more years, depending on the extent of new residential development that occurs in the vicinity and mostly east of Mercey Springs.

## Intersection Improvement Requirements

In addition to physical improvements that can be expected in conjunction with the Caltrans STIP improvements to major intersections along Pacheco Blvd., there are several important improvements required in the near future at Pacheco and "H"/"I"/Eleventh, at Pacheco and Mercey Springs and at Mercey Springs and San Luis Street.

Current traffic congestion and safety problems occur at Pacheco and "I" because of the acute angle of the intersection with Pacheco for east-bound traffic on "I". A solution to this problem is shown on Figure IV-1, involving the construction of a new intersection for east-bound traffic from "I" to Pacheco via Eleventh Street, and limiting the existing intersections of "H" and "I" to right-hand turns. Vacant property is available to make the "I"-/Eleventh connection. Since there would not be any crossing of Pacheco required at "H" or "I" because of the right-turn limitation, traffic signals would be required only at the new Eleventh intersection with Pacheco. The need at Pacheco and Mercey Springs is to provide for improvements to the east and north legs similar to those recently provided at the south and west legs through shopping center development. Even before the shopping center development, PM peak hour traffic congestion was a common occurrence during weekdays. Each leg of this intersection requires two travel lanes, a right-hand turn lane and a left-hand turn lane, along with left-hand turn signal phasing.

The need at Mercey Springs and San Luis is created by inadequate street width on the east leg for traffic from the south turning east-bound onto San Luis. This problem can be solved by acquiring additional right-of-way off of the



FIGURE IV-1

"H"/"I"/PACHECO BLVD. INTERSECTION IMPROVEMENTS

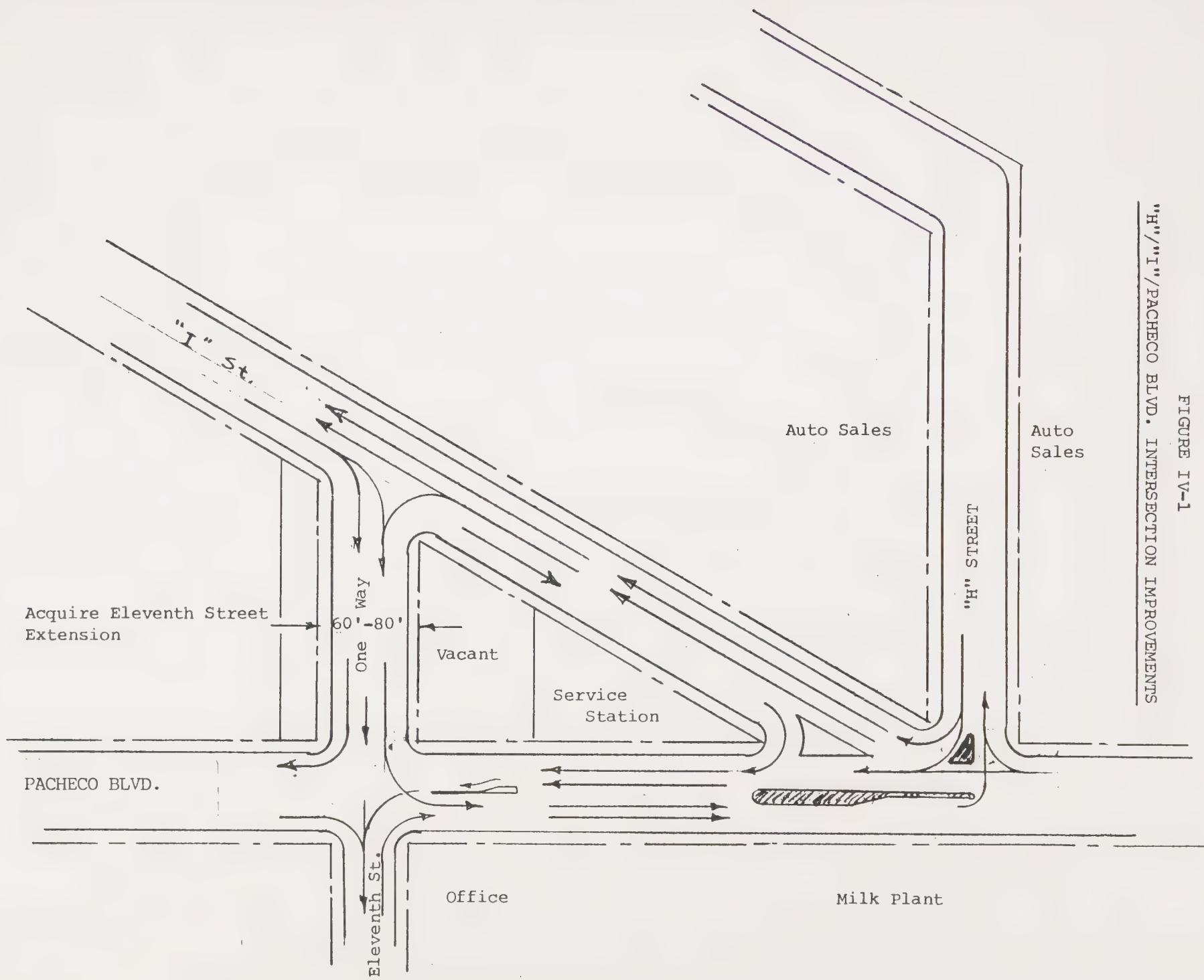
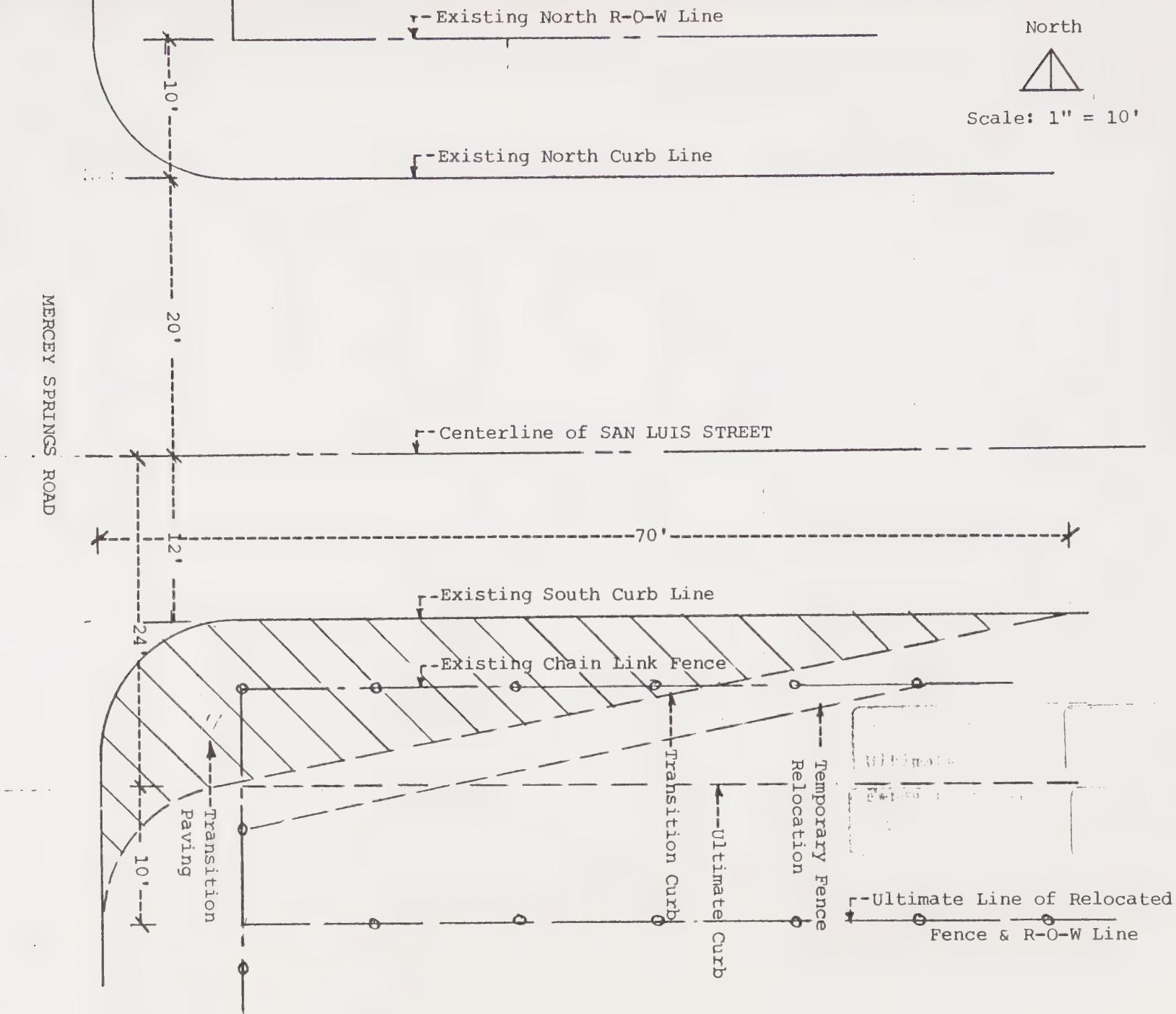




FIGURE IV-2

MERCY SPRINGS/SAN LUIS INTERSECTION IMPROVEMENT





south side of San Luis to permit a safe right turn from Mercey Springs. This solution is illustrated in Figure IV-2.

#### Requirements for Limiting Access along Pacheco Blvd. Through Street Closure and/or Intersection Modification

Two of the factors that limit the traffic carrying capacity and safety of travel along Pacheco Blvd. are the frequency of minor street intersections and driveway approaches between West "I" Street and Center Avenue, particularly along the north side of Pacheco. Intersections with Pacheco that could be closed or modified are indicated on Figure IV-3. Options that are recommended to accomplish street closure to through traffic are shown in Figure IV-4. If a cul-de-sac or back-a-round approach is followed, placement should be at the line where residential development ends and commercial development along Pacheco begins. Use of the right-turn-only approach would end the major problems caused by left-hand turns and would be the least expensive. [Note: The West "I" Street intersection at Maryland Avenue is also recommended for similar treatment because of traffic safety problems caused by poor sight distance along the "I" Street curve.]

#### Policies Concerning State Highways

The following policies are proposed as guidance for achieving improvements to elements of the State Highway system which directly affect Los Banos:

1. The City will continue to protect the need for eventual widening of Pacheco Blvd. between Mercey Springs Road and West "I" Street by imposing setbacks and improvement requirements for projects which require Site Plan Review.
2. The City will pursue a negotiated agreement with Caltrans to achieve the necessary widening of Pacheco Blvd. and Mercey Springs Road under the STIP at an early date. This will include seeking commitment by the State of appropriate contributions toward the cost of intersection improvement at Mercey Springs and Pacheco, and toward the costs of signalization at important intersections with these State highways.
3. In connection with Policy No. 3, above, The City should close or modify selected intersections along Pacheco Blvd as shown in Figure IV-3 and 4.

#### THE ARTERIAL AND COLLECTOR STREET SYSTEM

##### Existing and Proposed Arterial and Collector Streets

Existing and proposed Arterial and Collector streets are shown on the General Plan Diagram, and include the following:



FIGURE IV-3

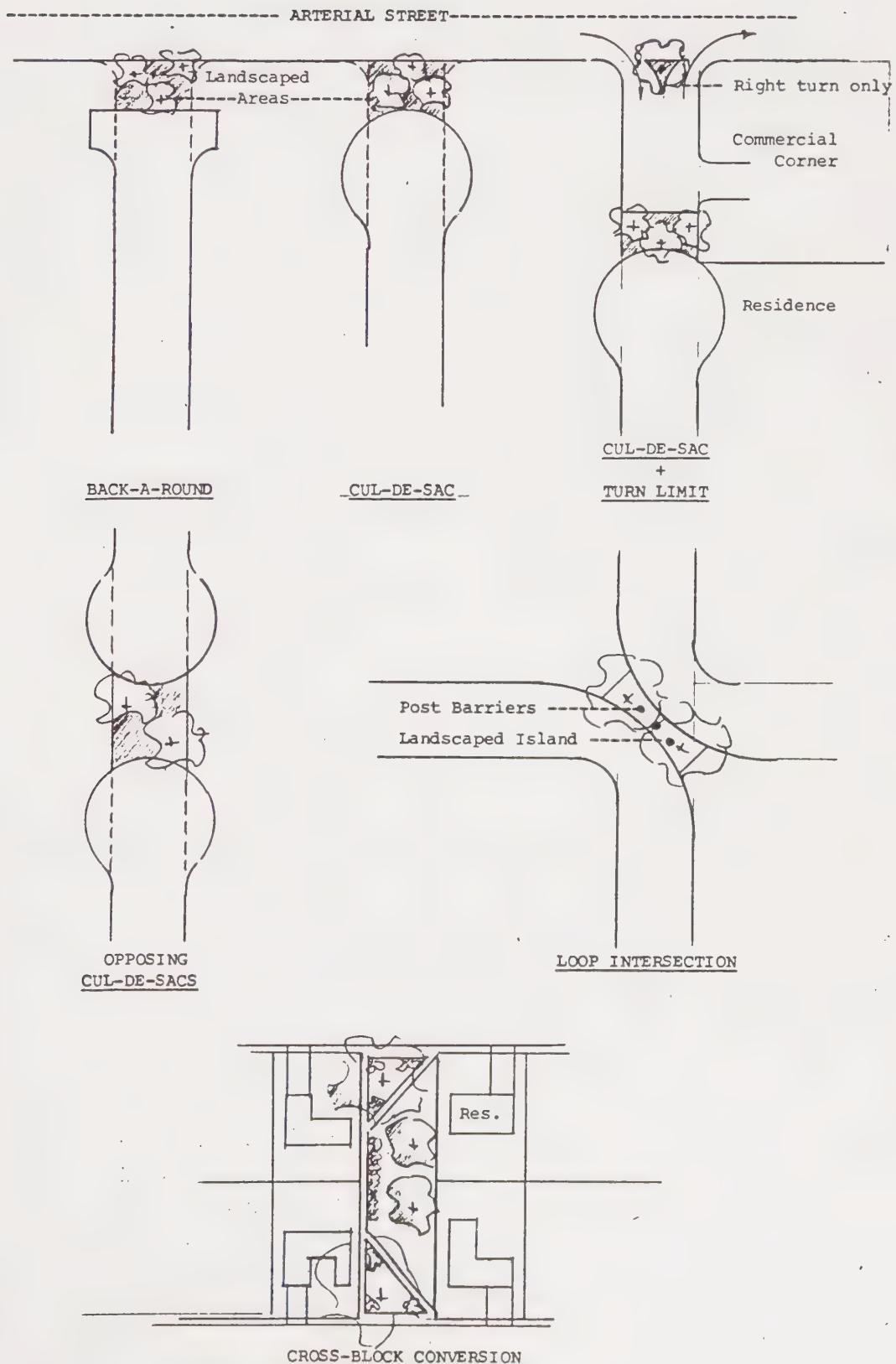
## ARTERIAL INTERSECTIONS TO BE CLOSED OR MODIFIED





FIGURE IV-4

ALTERNATIVE APPROACHES TO REDUCING  
THROUGH TRAFFIC ON MINOR STREETS





## MAJOR ARTERIALS

### North-South

Ward Road  
Mersey Springs Road  
Center Avenue  
West "I" (So. of Pacheco)

### East-West

Overland Road  
Seventh-East "B"  
"H"-Ingomar Grade  
"I"-West "I"(No.of Pacheco  
Pacheco Blvd.  
Pioneer Road

## COLLECTOR STREETS

### North-South

Place Road  
S. Eleventh St.  
S. Seventh-Page-Monte Vista  
N. Seventh (new)  
Cardoza (in Cresthills)  
North Street  
N. Second (N. of "I")  
Fourth-S. Fourth  
Sixth  
Seventh (Pacheco to "I")  
Texas Avenue  
S. Johnson Road  
Colorado Avenue  
Ortigalita  
Badger Flat Road

### East-West

Dove Street  
Santa Barbara Drive  
Willmott Ave.  
"C" Street (at Fairgrounds)  
"G" Street  
San Luis Street  
"H" Street (E. of Seventh)  
"J" Street (E. of Fourth)  
West "J" (W. of W. "I")  
"K" - West 6th  
Jefferson Avenue  
Page (. of Monte Vista)

Arterial Streets are to be designed to carry from 7,500 to 25,000 vehicles per day, with a typical right-of-way (ROW) width of 80' - 84' depending on conditions affecting the acquisition of ROW in developed areas. Where on-street parking is desired, this width provides for four 12' travel lanes, two 8' parking lanes, and two 10'planting strips for the accommodation of sidewalks and street trees [See Figure IV-5]. An 80' width also provides for 4-lanes of travel, or two lanes with a continuous left hand turn lane. Where a continuous left-hand turn is required with four travel lanes, R-O-W increases to 96' - 100'. In Residential, Community Commercial, Service Commercial, Highway Commercial and Industrial areas, the sidewalk is integrated with the curb and the planting area is on the outside of the sidewalk. In the CBD and Neighborhood Commercial areas, a 10' sidewalk is required with street trees. The Ward and Overland Road designations have been changed from Collector to Arterial to reflect consistency in street function regardless of ROW width and curb-to-curb development standards.

Collector Streets are designed to carry from 500 to 7,500 vehicles per day. Where ADT is projected to be less than 4,000, a ROW of 60' is sufficient, with two 12' travel lanes, two 8' parking lanes and two 10' planting strips



with sidewalks. Sidewalk width should not exceed 5' in width except within the CBD where 10' will be required ultimately on all Arterial and Collector streets. Where ADT is projected above 4,000 [e.g., San Luis Street] ROW should be 66', increasing the traffic lanes to a width of 15 [see Figure IV-5].

#### EXISTING AND PROJECTED TRAFFIC VOLUME & TRAFFIC CAPACITY

##### Existing Traffic Volume

An extensive measurement of traffic volumes in the City was completed by the Los Banos Department of Public Works during 1985. The measurements are shown in Table IV-3.

##### Projected Traffic Volume and Capacity

As in most communities, the City's deficiencies in its street system relate mostly to lack of curb and gutter, inadequate drainage and the need for replacement paving. The costs of overcoming these deficiencies continue to increase faster than the City's capability to do so. Despite the increase in street deficiencies, most Arterials and Collectors are also capable of accommodating projected traffic that will result from additional urban development under the Land Use Element. This conclusion assumes continued improvements to the Arterial and Collector street systems through capital programming, developer contributions, periodic maintenance including slurry seal application as needed, and assessment district financing for certain improvements. This will require continued tolerance of problems in some areas where curbs and gutters are lacking and pavement is weak. It will also require tolerance to something less than a smooth surface.

In addition to street and intersection improvements discussed previously for elements of the State highway system (Pacheco and Mercey Springs), field observation and traffic volume data suggest the following conclusions regarding the two most important priorities in improvements to the Arterial and Collector street systems:

1. There is an urgent need to extend North Second and Seventh Streets north to Wilmott and Overland Roads. This need is occasioned by circuitous routing of traffic north from the Central Business District in order to reach the areas that would be served by these extensions. In the event of a fire or police emergency during periods of peak hour traffic, delay in reaching northern subdivisions could be critical.

Action by the City is required to acquire the necessary R-O-W for the Seventh Street extension before 87.5% funds can be made available under the FAU (Federal Air Urban) program of financial assistance. Because of uncertainties as to when affected property may develop in residential use, this R-O-W should be acquired through condemnation proceedings if necessary to permit an immediate taking and to establish fair market value. A fair-share contribution toward costs can be exacted in the future from proposed developments. Each year



FIGURE IV-5  
ARTERIAL & COLLECTOR STREET CROSS-SECTIONS

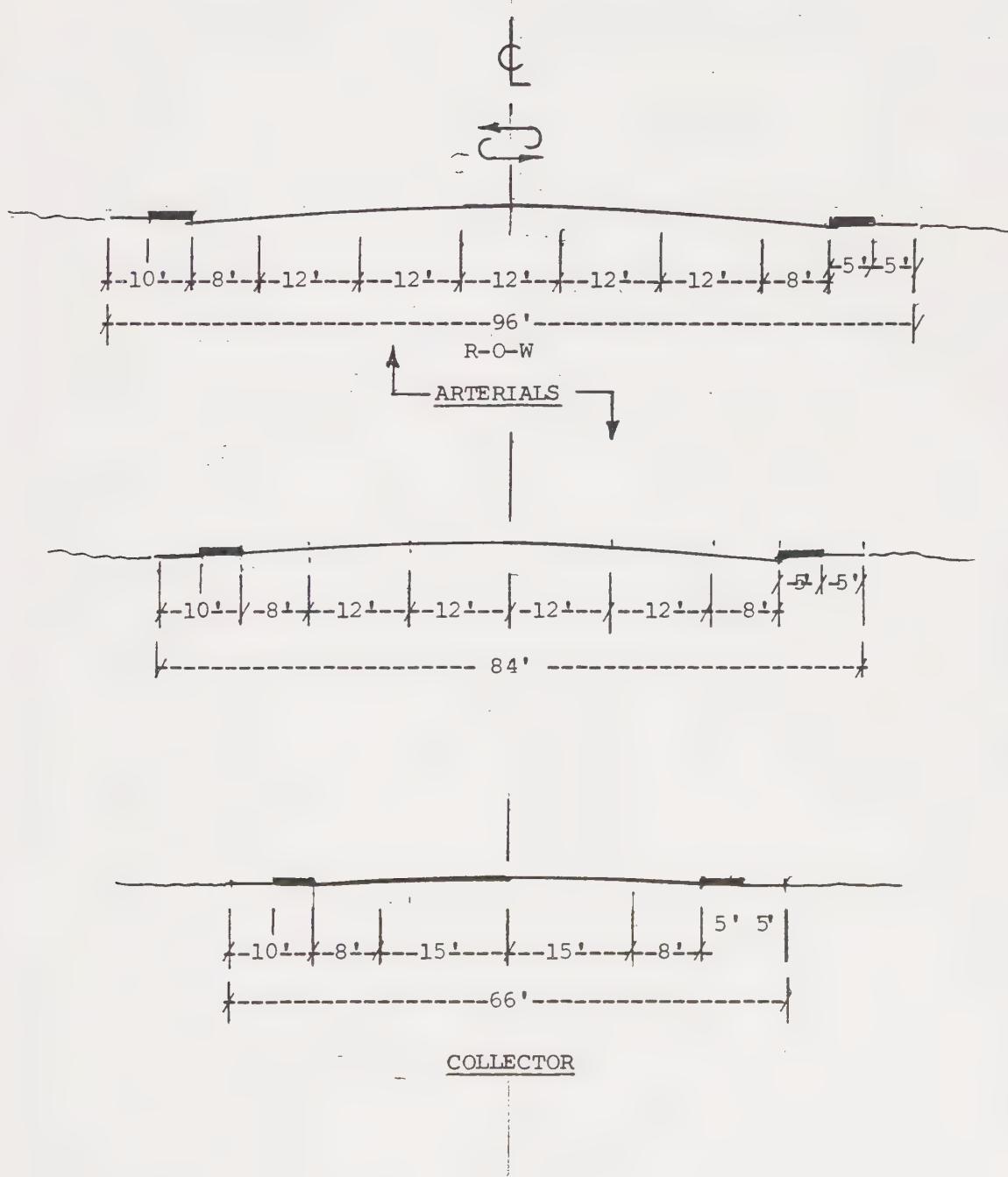




TABLE IV-3

**TRAFFIC VOLUME ALONG THE ARTERIAL & COLLECTOR STREET SYSTEMS**  
 (Counts taken April-July, 1985, L.B.Dept. Pub. Works)

<u>Street or Avenue</u>	<u>Intersection/Leg</u>	<u>ADT</u>
<b>ARTERIALS</b>		
Overland	Mercey Springs/west	1,358
	2nd Street/east	1,083
Seventh	"H" St./north	5,858
"H"-Ingomar	Texas/east	2,090
"I" Street	4th/east	2,684
	6th/west	3,771
	6th/east	3,238
West "I" Street	Pacheco/north	5,587
Center Avenue	Pacheco/south	1,917
Ortigalita	Pacheco/south	1,649
<b>COLLECTORS</b>		
Dove	Mercey Springs/east	998
Willmott	Mercey Springs/west	798
	North St./east	1,001
San Luis	Mercey Springs/east	5,647
"H" Street	Pacheco/north	733
"J" Street	4th/east	1,121
	6th/west	1,446
	6th/east	919
West "J" St.	West "I"/west	1,083
"K" Street	4th/east	1,107
	6th/west	1,427
	6th east	791
West "K" St.	West "I"/east	372
Jefferson	11th Street/west	310
Page	11th Street/west	522
South Eleventh	Pacheco/south	1,143
Monte Vista	Page/south	1,105
Seventh	Pacheco/north	1,314
	Pacheco/south	1,193
Sixth	Pacheco/north	5,297
	Pacheco/south	2,297
Second	"H" Street/north	1,152
	"H" Street/south	2,212
Texas	Ingomar/south	2,175
Johnson	Ingomar/north	1,559
West "I" Street	Pacheco/south	5,449



that this project is delayed adds substantially to the potential cost in dollars and human tragedy.

The need for City action for R-O-W acquisition underscores the importance of imposing fair standards of responsibility on the City as well as the private sector in the development process. If similar standards are not imposed, then the ability of the City to require off-site contributions for street and intersection improvements from private developers is placed in jeopardy.

2. The east leg of the intersection of Mercey Springs and San Luis Street is in immediate need of widening and improvement east to Racquet Club Drive. With an ADT of about 5,650, this leg is second-highest in traffic volume only to the north leg of the Seventh/"H" Street intersection. The east leg is seriously inadequate in width and capacity, and generates rear-end accidents and peak hour delays. Required improvements are shown in Figure IV-2.

Responsibility for financing rests with the City, Caltrans and the developers of additional residential property to the east that will be served by San Luis. A requirement for partial mitigation through developer contributions was included as one of the mitigation measures in the Final EIR for the proposed Talbott-Cardoza annexation and pre-zoning prepared in November of 1987.

Arterial streets other than Mercey Springs and Pacheco where future traffic volume (ADT) is expected to realize an increase to more than 8,000 include West "I" and Ortigalita and possibly Center Avenue. These increases will not occur until after the 152 Bypass is constructed and after the year 2000 when lands designated as Low Density residential Reserves north of Pioneer Road have developed. An increase exceeding 8,000 is also projected for Overland, once residential build-out has occurred in the vicinity both east and west of Mercey Springs.

Collector streets (other than San Luis and 6th) where future ADT is expected to increase to more than 5,000 include Willmott, Place (north), Cardoza, Jefferson (east of Mercey Springs), Page (east of Mercey Springs) and Texas.

Capacity problems and congestion will occur at all intersections of Arterial and Collector streets with Mercey Springs and Pacheco Blvd. during peak hours of travel when intersections typically will carry about 10% of ADT. Even then, however, the Level of Service (LOS) during peak hours is not expected to exceed Level "C" even at the most heavily traveled intersections once the intersection improvements listed previously have been made, and can be expected to be at levels "A" or "B" during off-peak hours.

Traffic experience in small and medium-sized communities can often spoil the local resident into believing that existing conditions are difficult and that any new development will be intolerable in its effect on traffic.



## Arterial and Collector Street Policies

The costs associated with overcoming deficiencies to the Arterial and Collector street systems suggest that policies on street improvements seek "reasonable" solutions where they are most needed. Ideal standards may have to give way to less costly but practical solutions to meeting traffic needs.

1. The high costs of converting a deficient Arterial or Collector street to the appropriate standards required for existing and projected traffic should be limited to those streets where either:  
a) High current and projected volumes of traffic are involved; b)  
joint funding is possible; c) significant contributions of private or assessment district funds are involved as part of the cost of developing adjacent lands; or d) where the rate of serious accidents and congestion has been high and where hazards to public safety are great. Level of Service "C" as described by the Highway Research Board should be considered adequate in most cases, with LOS "D" considered tolerable for peak hour traffic at major intersections until improvement funding is available.
2. Improvements to Arterial and Collector streets should be made on a highly selective basis which seeks to improve capacity, flow and safety by the use of traffic engineering solutions where feasible as compared to major structural improvements. This should include the elimination or restriction of traffic movement at intersections with Minor streets where too many exist at short intervals. Examples of this condition are shown on Figure IV-3, with possible solutions shown at the top of Figure IV-4. Other techniques might include elimination or restriction of on-street parking hours, greater use of directional signs, the diversion of traffic onto streets which are underutilized, the provision of right-turn and left-turn lanes at intersections, and limited application of one-way streets around and through the Central Business District.
3. On high volume streets, consideration should be given to residential development designs which minimize the number of driveway intersections. Back-on design along selected Arterials should include waiver of access, limitation on street intersections, and provision for ornamental screen walls and landscaping.
4. Direct access to Arterials and Collectors from residential development is to be discouraged except where physical conditions do not allow for other design solutions. Access from the street side yard of a corner lot which sides onto an Arterial shall be prohibited in new subdivisions or on undeveloped lots in existing subdivisions.
5. The spacing of access points to adjoining properties along Arterial and Collector streets shall be controlled by design during the Site Plan Review and/or Building Permit process.
6. Left-hand turn lanes should be provided where appropriate for access from Arterials and Collectors into high traffic commercial centers as a condition of development approval.



7. Design standards for Arterial and Collector streets should permit innovation and flexibility under the Planned Development process, while assuring preservation of street function.

### THE MINOR STREET SYSTEM

Only existing Minor streets are shown on the General Plan Diagram, and they constitute the greatest mileage of the City's total street system. Minor street deficiencies have become extensive in older residential areas, including broken pavement (ripples and chuckholes), deteriorated curb and sidewalk sections from invasive tree roots, and inadequate drainage. Minor streets are to be designed to carry up to 500 vehicles per day, with 56'- 60' of ROW and a minimum of 36' between curbs.

#### Minor Street Policies

1. To keep Minor street volume within design capacity, street length shall be kept under 1,600 feet where possible unless interrupted by an Arterial or Collector street.
2. Design standards shall permit innovation and flexibility by the developer in relation to land use proposals under Planned Development procedures of the Zoning Ordinance.
3. In view of deficiencies in existing Arterial, Collector and Minor streets, the City should consider forms of funding other than direct public sources (e.g., assessment districts) as a means of overcoming Minor street deficiencies. Curb, gutter, sidewalk and paving needs along Minor streets should be made the responsibility of affected property owners. Under this policy, the City would assume responsibility for engineering services and additional costs occasioned by higher standards of street construction and drainage than were involved at the time of original street construction. As an alternative, the City could share equally in total costs where a majority of property owners are willing to accept assessment proceedings or another appropriate method of collective project financing.
4. Proposals of the Circulation Element are intended to reflect options for reducing through traffic on Minor streets between intersections with Arterials. This policy seeks to eliminate the use of Minor streets as thoroughfares through residential areas where they extend parallel to nearby Arterials or Collectors for many blocks and are often used as substitutes for Arterials or Collectors. Illustrations of how this policy may be implemented are shown on Figure IV-4.

### ALLEYS

Alleys have provided an important means of secondary access to residential, commercial and industrial areas included in the original town plat. Alleys are not required in other parts of the City or in newly developing areas.



## Alley Policies

1. Within the Central Business District, alleys are to serve the multiple purposes of providing pedestrian access to commercial establishments, off-street parking areas and public sites, with ornamental paving, landscaping and lighting.
2. Within Office and Office-High Density areas adjacent to the CBD, alley improvements to the nearest street may be required, or deferred as part of development proposals depending on the distance of a project site from the street.

## CONTINUITY WITH THE COUNTY ROAD SYSTEM

All Arterials within the City except West "I" and "I" Streets, and several Collector streets have important continuity or connection with elements of the County road system, including Ward Rd., Overland, Center Avenue, Ortigalita Rd. and Place Rd.

## TRUCK ROUTES

The following streets (other than those required for local truck deliveries) are designated as truck routes:

- Mercey Springs Road
- Pacheco Boulevard
- "H" Street-Ingomar Grade
- Ward Road (south of Pacheco)
- Ortigalita Road
- Pioneer Road

## Truck Route Policies:

1. Truck routes are intended to carry heavy weight commercial, industrial, and agricultural vehicles through and around the community with minimum disruption to local auto traffic and minimum annoyance to residential areas. Truck routes should be signed.
2. Access to industrial sites should avoid use of any Arterial or Collector street (other than a State highway) which provides direct access to existing or proposed residential areas.

## BICYCLE ROUTES AND PEDESTRIAN CIRCULATION

With the exception of a few outlying residential subdivisions, the relatively compact character of the community encourages the use of bicycles as an alternate mode of transportation. This compactness, plus the high cost of providing separate bicycle lanes on Arterials streets, calls for the public to make use of Collector and Minor streets as principal routes of bicycle



transportation. These streets provide sufficient continuity to allow safe bicycle travel among all parts of the community.

#### Bicycle Route and Pedestrian Circulation Policies

1. A separately striped Class II bike lane is to be provided only along Mercey Springs Road as required by agreement with Caltrans.
2. The City should develop a coordinated program for the progressive construction of sidewalks along Arterial and Collector streets within residential and commercial areas where sidewalks are lacking. Costs should be shared by property owners who will benefit. Sidewalks should not be required within commercial zones along Pacheco Boulevard east of Mercey Springs Road or west of Ortigalita Road, or within industrial areas. Where new development is proposed where sidewalks are or will be needed, sidewalk construction would be the entire responsibility of the developer.

#### TRANSIT FACILITIES

The City provides bus service to its residents on an on-call and fixed rate basis. Dispatch headquarters are maintained at the office of the Recreation Department located in the Miller-Lux Building on Sixth Street within the CBD. As dependence on commuting to employment outside the community increases, the City should develop a program to encourage ride sharing and Van Pools in cooperation with Caltrans. A similar program should be fostered locally amongst major employers as a means to reduce traffic during peak hours, including additional transportation management techniques such as flexible working hours and increased use of bicycles.

#### THE RAILROAD CORRIDOR

The Southern Pacific Railroad corridor carries infrequent spur line freight traffic through the community, primarily serving the various fruit packing facilities located along the railroad R-O-W. The relatively minor traffic involved poses occasional problems of traffic congestion when trains block major intersections. Not all crossings are protected by automatic signals and guards, including crossings at 2nd, Willmott and Overland. The noise generated by this train traffic has little adverse affect on the immediate environment adjacent to the rail corridor.

#### Railroad Traffic Management Policy at Street Intersections:

1. The City should negotiate a policy with the Southern Pacific Railroad Company to avoid freight traffic and switching operations during 7:00 - 9:00 AM and 4:00 - 6:00 PM peak hours of traffic on the streets which cross the railroad.
2. The City should continue to seek Public Utilities Commission and Railroad cooperation in achieving signals and guards at unsignalized railroad crossings. Any increase in the speed of railroad traffic through the community should be coupled with meeting this



need and the need for use of railroad R-O-W adjacent to the CBD for static all-day off-street parking.

#### OFF-STREET PARKING FEES IN THE CBD

The City observes a policy which allows the City Council to issue variances to off-street parking requirements within the Central Business District. This policy emerged because of the difficulty and often impossibility of providing parking in blocks where no space would be available for parking without demolishing commercial structures. While the variance approach serves a practical purpose, it still leaves increasing unmet needs for parking off-street, and unfairly relieves the property owner and/or lessee of any and all responsibility for meeting parking needs downtown.

##### In-Lieu Parking Fee Policies:

The limitations and inequities posed by existing parking variance policy within the CBD would be eased by the following policy:

1. The City should provide for the collection of in-lieu parking fees under regulations of its zoning ordinance. Such fees are intended to assure equity in the provision of off-street parking by users occupying older buildings within the CBD where site area is not available for such parking. This policy reflects the principle that there is at least a 50-50 shared responsibility between the City and the property owner (including lessees) in meeting off-street parking demands within the CBD. The extent to which this policy is carried out should be made the subject of careful discussion during preparation of the City's new zoning ordinance.

#### AIR TRANSPORTATION

The Los Banos Municipal Airport is included in the National Airport Plan and is classified as a Basic Utility Stage 1 Airport. This class accommodates most general aviation aircraft except large twin engine and jet aircraft which require long reinforced runways. The airport is also included as part of the Merced County Airport Land Use Plan, and the City has adopted a separate Master Plan as a guide to progressive airport improvement.

Major policy considerations concern assuring capability for runway extension to 3,800' in length to meet FAA standards for a General Utility Airport, and assuring land use compatibility within the airport environment. The latter policy consideration is especially critical to avoiding the creation of hazards of aircraft flyovers to urban development within the Airport Approach Zone.

The General Plan Diagram shows a conical southeasterly extension of the Airport Approach Zone (dashed line) as designated in the 1978 and 1985 Update of the Merced County Airport Land Use Commission Policy Plan. This Zone extends outward to a line perpendicular to and 5,200' southeast of the runway. Policies of the 1978 Plan (still official) call for restricting residential density within this area and for restricting the height of buildings and other structures to avoid vertical obstacles to safe landings and takeoffs.



Only agricultural use of land is proposed in the northwesterly takeoff pattern to keep this area free of hazards to and from aircraft. To the southeast, where some residential and commercial encroachment within the airport Clear Zone has already occurred (within a conical area extending 1,200'-southeast of the runway), the General Plan proposes the provision of a Community Park. This park of approximately 19.5 acres would extend southeast from the Main Canal along the extended centerline of the runway to a point approximately 4,000' southeast of the runway to the line of Cardoza Road. Park development would provide for passive recreation pursuits and only such active recreation pursuits as would maintain a low density concentration of park users at any point within the park.

The proposal for park development not only provides additional protection of land (and aircraft) within the Airport Approach Zone, but also provides a location for a community park capable of meeting a variety of outdoor recreation needs for existing and planned residential neighborhoods in the western half of the community. The ideal solution to Approach Zone protection would be to maintain the entire cone of approach to Cardoza Road as a Community park. This would involve about 36 -1/4 acres. At this size, however, the feasibility of park acquisition is placed beyond the reasonable ability of the City to act within the five year time period after approval of a development plan for the affected property. Even at a 4.0% rate of population increase and 355 new occupied housing units per year, the 1,775 units would only generate about \$120,000 at current rates of in-lieu park development fees. If the fees per housing unit are increased (as recommended in Part IV-D), about \$400,000 would be generated. This would be sufficient to purchase the 19.5 acres (assuming all monies are held for the purpose), but would fall far short of the mark for the 36.5 acres by at least 50%.

A complicating factor in establishing values for the proposed park property is that the affected property owners are committed participants in the financing of the Southeast Sewer Improvement Project. In all reality, the amount needed to offset the financial commitment for sewer construction which is attributable to the land needed for 36+ acres of park development may further increase the acquisition cost beyond the limits of practicality. Moreover, if costs of even the 19.5 acres becomes too high, a more realistic objective may be the acquisition of only the first 15 acres (the head of the arrow shape shown on the General Plan Diagram to the line of the ditch which crosses the property). And, if part of the need is met by the developer of the affected land through land dedication rather than fees in-lieu of dedication, the amount of remaining land to be acquired through purchase by the City over a five year period may be reduced to about 11-12 acres.

If the combined area of acquisition by fees and dedication is reduced from about 19.5 acres (as shown on the General Plan Diagram) to about 15 acres, the amount of protected Approach Zone acreage added to the existing Clear Zone would have the effect of extending the Clear Zone to a point 3,000' southeast of the runway as compared to the existing 1,200'. This would also provide sufficient horizontal airspace for aircraft taking off to the southeast to reach an altitude to allow for sufficient glide to undeveloped lands further south in the event of engine failure. While not ideal, a 15 acre park can still be considered as a reasonable compromise if compromise, indeed, is required at all.



## Airport Policies

1. It should be an objective of the City to extend the runway from 3,000' to a length of 3,800' to meet FAA standards for a General Utility Airport. This would have the effect of extending the landing threshold northwesterly by 800' for most planes. This would extend the practical length of unobstructed Approach Zone from 4000' to 4,800 '(with a 19.5 acre Community Park as shown on the General Plan Diagram) or from 3,000' to 3,800' with a 15 acre park.
2. Further residential development within the southeasterly Approach Zone is to be restricted within a horizontal distance extending approximately 3,000' to 4,000' southeast of the end of the runway measured along the extended centerline of the runway.
3. The City shall require the dedication of aviation easements as a condition of approving any further residential development within the Airport Approach Zone.



## SECTION C - HOUSING ELEMENT

### INTRODUCTION

The Housing Element consists of policies and actions required to carry out the Housing Element as adopted by the City in January, 1986. The entire Element, entitled "Housing Element of the General Plan, 1985-1992", is hereby incorporated as part of the General Plan by reference.

### GOALS, OBJECTIVES, POLICIES AND PROGRAMS

The goals, objectives, policies and programs of the Housing Element are the result of a series of discussion sessions during the fall of 1985 involving the Planning Commission, City staff and a Citizens Advisory Committee. Overall objectives were adapted from State Guidelines concerning housing construction, rehabilitation and conservation. The quantified housing construction objectives established for the first five year planning period to 1992 are based on analysis of the previous five years' performance, and are shown in Table IV-4.

TABLE IV-4

### QUANTIFIED HOUSING OBJECTIVES, 1985-1992

#### CONSTRUCTION:

Total Units (%)	Single Family (%)	Multi-Family (%)	Mobile Home (%)
762 (100)	576 (76)	122 (16)	64 (8)
Very Low Inc. (%)	Low Income (%)	Moderate Inc. (%)	Moderate + (%)
183 (24)	130 (17)	137 (18)	312 (41)

#### REHABILITATION:

No. Units Rehabilitated by Private Sector . . .	25
No. Units Rehabilitated by Public Sector . . .	<u>50</u>
Total Units to be Rehabilitated . . .	75

#### CONSERVATION:

Estimated No. Units to be Conserved In Non-Residential Districts: . . . . .	200
Estimated No. of Such Units to be Lost: . . . .	<u>-21</u>
Total No. Units to be Conserved . . . . .	179



These objectives reflect a 3% increase over the original objectives established for 1985-1990, as approved by the Merced County Association of Governments and the California Department of Housing and Community Development. By maintaining the original five year planning period, the City will be able to update the Housing Element in 1992 by using data from the 1990 Census.

#### Goals

- To promote and ensure provision of adequate housing for all persons regardless of income, age, race or ethnic background.
- To promote and ensure the provision of housing selection by location, type, price and tenure.
- To promote and ensure open and free choice of housing for all.
- To promote efficient use of land available for housing.
- To conserve and maintain the housing stock.
- To provide for the development of a balanced residential environment with access to employment opportunities, community facilities and adequate services.

#### POLICIES AND PROGRAMS

Several policies in the lists which follow have been added to those adopted in January, 1986. They are indicated by an asterisk (\*) preceding the particular policy involved.

##### Adequate Provision of Housing Sites

(\*) 1. Low and moderate income housing sites are to be decentralized so as to avoid excessive concentrations of such housing within any of the residential neighborhoods of the City.

2. Encourage in-fill housing in residential districts where essential services are available, and annex only those areas where services can be provided easily or wholly at the expense of the developer and where sites are within the Specific Urban Development Plan boundary (SUDP).

3. The City will support the expansion of housing opportunities for the elderly, handicapped, minority and other low income groups through the following:

a. The promotion of housing sites for the elderly and handicapped which are within reasonable proximity to transportation services, medical facilities, recreation areas and convenience shopping facilities, and where reasonable security by police and fire protection services can be assured.



- (\*) b. Encourage and pursue programs to assist the poor and elderly to rehabilitate deteriorating housing.
- (\*) c. Maintain a housing directory and referral service which is accessible to the handicapped.

#### Increasing the Supply of Affordable and Accessible Housing

- 4. The City will explore participation in various federal and state housing bond programs, and will encourage the utilization of programs which would allow local households of moderate income to purchase homes.
- 5. Manufactured housing is considered as an alternative to stick-built housing as a means to improve housing affordability for low and moderate income groups. This includes mobile homes on permanent foundations on separate lots or within mobile home parks.
- 6. The City will encourage participation by individuals, households and the building community in various federal and state programs intended to improve housing opportunity, including housing that might be made available under programs of the Farmers Home Administration, Self-Help and Community development Block Grants.

#### Implementation and Monitoring

- 7. It is the policy of the City to make information available on housing programs, housing availability and assistance to all residents of the community. This is to be accomplished in part by the publication and maintenance of a "Housing Information and Referral Brochure".
- 8. The City will maintain an efficient process for the review and approval of zoning and building permits for new housing construction and remodeling, and will maintain an equitable fee structure for such review.
- 9. The City will maintain an adequate ratio of single family homes to apartments to allow choice, affordability and availability in housing types; encourage an increase in home ownership; require that proposed income or rental subsidy apartment projects be justified by adequate housing market analysis, features of design, livability and availability of community services.
- 10. Impose limitations on time limits of approval for multi-family projects, with time extensions to be approved only if adequate evidence is provided of circumstances beyond the control of the applicant that warrants approval, excepting failure to achieve financing.

#### Preservation and Conservation of Existing Neighborhoods

- 11. Conserve and maintain the existing housing stock through building inspection, participation in housing rehabilitation programs and



the enforcement of weed abatement and other nuisance abatement programs.

12. Seek methods to alleviate overcrowding, including provision for some three or more bedroom apartments in new multi-family projects.
- (\*) 13. Redesignate areas of Medium and High Density to Low Density where single-family use is predominant.
14. Continue the systematic enforcement of City codes to achieve a 25% reduction in overcrowding by the time of the 1990 Census, and the removal or correction of structures which are a threat to public health and safety.

Adequate Housing for All Socio-Economic Segments of the Population.

- (\*) 15. Require use of Planned Development (PD) procedures of the Zoning Ordinance for multi-family projects involving 10 or more units.
- (\*) 16. Waive or permit modification of selected development standards under PD zoning procedures for affordable housing projects where design proposals achieve the functional equivalent of existing improvement standards. The burden of proof for making a case for modification or waiver shall rest with the project applicant. This policy extends to any residential project at any level of density permitted by the General Plan.
- (\*) 17. In connection with Item 15, above, permit smaller lots for subdivisions where housing units are designed specifically for the small lot.
- (\*) 18. Grant density bonuses for low-moderate, low and very low income households as required by State Law.
- (\*) 19. Grant density bonuses under PD zoning procedures in areas of Medium Density for projects which do not qualify under Item 17, above, only if a project is judged successfully against quantitative and qualitative criteria which assures design excellence and the provision of amenities not normally provided under conventional approaches to residential project design.
- (\*) 20. Require the phased development of multi-family projects where appropriate as a means to mitigate potential adverse impacts of a proposed project.
- (\*) 21. Devise standards of landscaped open space and recreation area to apply to multi-family projects of 20 or more housing units.



## SECTION D - ENVIRONMENTAL RESOURCES MANAGEMENT ELEMENT

### INTRODUCTION

The Environmental Resources Management Element (ERME) brings together four mandatory elements and one permissive element into a single functional element of the General Plan. They area: Conservation, Open Space, Safety (including Seismic Safety), Noise and Recreation (permissive).

### RELATIONSHIP TO REQUIREMENTS FOR ENVIRONMENTAL ASSESSMENT

In addition to providing important policies for the management of local resources, the ERME is intended to aid the City in determining whether a proposed public or private project is likely to have an "significant effect" on the environment as described by the California Environmental Quality Act (CEQA). Since this General Plan document also contains the General Plan EIR (see Part VI), the document further serves as the foundation for environmental assessments for specific projects within the community. While subsequent environmental assessments, including Initial Studies, Negative Declarations and various types of EIR's, may reference and summarize material from any part of this General Plan document, the information and policy in this Section will have special relevance for many projects.

In fostering the objectives of CEQA, ERME policies permit sponsors of public and private projects to consider all but the most site specific environmental factors during the earliest stages of project conception. This will avoid unnecessary risks and loss of time and funds during later stages of the development process.

### ERME POLICIES AND PROPOSALS

#### Open Space Classification System

For convenience and simplicity in organization and description, all General Plan elements included under the ERME are covered under the following open space classification system:

- A. Open Space for Managed Resource Production, including prime agricultural lands, lands producing specialty crops, and lands for grazing, mineral production and water supply.
- B. Open Space for the Preservation of Natural and Human Resources, including fish and wildlife habitat, unique geological and landscape features, and historical features.
- C. Open Space for Health, Welfare and Well-Being, including lands to protect the quality of water resources, to provide for the disposal of solid and liquid wastes, and to improve the quality of the airshed.



- D. Open Space for Public Safety, including flood plains, unstable formations, earthquake fault zones,, wildland fire zones, and areas required for the control of noise from urban activities.
- E. Open Space for Shaping Urban Growth, including lands to preserve community identity, lands necessary to prevent excessive costs in the provision of urban services and facilities, and lands which give form and dimension to the character of the urban pattern.
- F. Open Space for Outdoor Recreation, including neighborhood and community recreation-parks, school site recreation areas, regional and state parks, recreation corridors and trails, unspoiled natural areas, and scenic and recreation travel corridors.

The relationship of this classification system to the General Plan Elements included in the ERME is shown in Table IV-5. This matrix illustrates the interrelated character of these elements and why the open space classification system provides such a useful vehicle for describing proposals of the ERME.

TABLE IV-5

MATRIX ILLUSTRATING THE RELATIONSHIP BETWEEN COMPONENT ELEMENTS  
OF THE ERME AND THE OPEN SPACE CLASSIFICATION SYSTEM

Open Space Categories	Elements of the General Plan				
	Conservation	Open Space	Safety	Noise	Recreation
Managed Resource Production	x		x		
Preservation of Natural & Human Resources	x		x	x	x
Health, Welfare & Well Being	x		x	x	x
Public Safety	x		x	x	x
Shaping Urban Growth	x		x	x	x
Outdoor Recreation	x		x		x

NOTE: "x" indicates categories which fulfill various requirements of State Law for the elements of the General Plan included as part of the ERME.



## Open Space for Managed Resource Production

Proposals for this category are limited to preserving productive agricultural lands which surround the community. As noted in Section A of Part IV, the boundaries of urban development established in 1964 have been pulled back to the north and east with a reduction of about 1,000 acres of land previously designated for Low Density Residential use. An important exception is the 528 acre proposal for a golf course/residential/commercial recreation complex development north of Route 152 and east of the San Luis Canal.

While it is very important to minimize the amount of agricultural land converted for urban use, and to avoid premature conversion, it is also recognized that virtually all urban expansion must take place on land which now is being farmed or which has been farmed. The consequences of any policy of absolute preservation of agricultural land would be create a monopoly in the urban land market and eventually stymie urban expansion to the detriment of long-range economic and social interests of the community.

### Policies:

1. To avoid the premature conversion of agricultural lands both within and outside of the City limits, residential commercial and industrial "Reserves" have been designated on the General Plan Diagram to be withheld (generally) from urban development until after the year 2003. This includes "reserves" which may be annexed under the policy of aggressive annexation described in Part III of this document.
2. Agricultural lands which lie between the San Luis Canal and the proposed golf course/residential complex and lands surrounding the complex are to be retained in agricultural use into perpetuity. This includes lands on both side of State Route 152 and extending outward to adjacent and nearby properties managed as wetlands for wildlife protection and migratory wildfowl hunting.
3. The protection of agricultural lands covered under Policy No. 2, above, will require continued agricultural and wetlands zoning protection by the County of Merced and a firm policy by the Merced County LAFCO to deny inappropriate requests for the annexation of lands for development which is not consistent with the General Plan. X
4. Development of the golf course/residential complex referred to under Policy Nos. 2 and 3, above, will be permitted only if a Specific Plan is adopted as described in the Land Use Element, and only if an EIR for the Specific Plan can be certified by the City in the manner prescribed by law. The test of an adequate EIR will include (but not be limited to) careful evaluation of all potential adverse environmental impacts and measures required to mitigate those impacts. This shall include special attention to potential impacts on biological resources, including migratory waterfowl and wetlands management operations on nearby lands and within the larger waterfowl management areas of Merced County.



## Open Space for Natural and Human Resources

Proposals for this category are limited to wetlands, wildlife habitat and landscape features. While productive agricultural lands lie in the immediate path of urban expansion to the north, south and west, and to a lesser extent to the east, many thousands of acres of natural wetlands lie beyond these agricultural lands, as well as to the east of the city beyond the San Luis Canal and the City's sewer farm. These wetlands provide habitat which is extremely important to migratory waterfowl of the Pacific Flyway, and could be seriously endangered by any major incursion of urban expansion at or within their fringe.

Lands within or adjacent to the Specific Urban Development Plan (SUDP) boundary are mostly devoid of any notable natural landscape features. Exceptions include riparian habitat along Los Banos Creek west of City, wetlands north and east of the sewer farm and wetlands located at the southeast corner of the SUDP boundary. However, trees and shrubs have become essential components of the urban landscape, providing shade, accent, color, windbreaks, and visual screening. Street trees have become especially important to the residential environment and to soften the otherwise harsh environment of the Central Business District and several other major commercial areas throughout the City. Several major commercial and industrial areas of the City are almost barren of tree and shrub plantings. Examples include Service Commercial, Highway Commercial and Industrial areas along Pacheco Blvd. east of Mercey Springs Road, and Highway Commercial areas along Pacheco west of Mercey Springs.

### Policies:

1. Riparian vegetation along Los Banos Creek should be retained and protected under policies of the Merced County General Plan.
2. The SUDP boundaries should be redrawn at the southeast corner to exclude wetlands and duck club property.
3. Appropriate trees within public rights-of-way are to be retained and new street trees planted and maintained in accordance with policies and procedures of the City's Master Street Tree Plan and Street Tree Ordinance. Only trees which are either badly diseased, disruptive of street improvements because of root growth, or dangerous to the public shall be allowed to be removed. The installation of street trees shall be made a condition of approval of residential, commercial, industrial and institutional development along such streets.
4. Appropriate ornamental walls, street trees, shrubs and automatic irrigation shall be required as a condition of approving residential subdivisions and other types of development which are designed to back-on to an Arterial or Collector street.
5. External (and internal where appropriate) site landscaping shall be required of all development projects which are subject to Site Plan Review provisions of the City's Zoning Ordinance.



6. The design and placement of on-premise signs shall be regulated so as to avoid visual chaos and confusion within commercial and industrial areas; the installation of off-premise outdoor advertising signs shall be permitted only within Service Commercial and Industrial zoning districts.
7. Once the undergrounding of electrical and telephone service within the downtown area has been accomplished, priorities should be assigned to park and recreation areas, school sites and Arterial streets.
8. The City will adopt and implement a Master Street Tree Plan affecting all development along all components of the Arterial and Collector street systems, within the Central Business District, and along streets leading to major public facilities such as parks, school sites, government offices and fairgrounds, and along all entrances to the community.

#### Open Space for Health, Welfare and Well-Being

Proposals for this category are limited to water, sewer and drainage utility systems, solid waste disposal, and air quality management.

Water quality within the Los Banos planning area is protected by treatment and disposal of liquid wastes through the Los Banos sewerage disposal facility northeast of the City. High quality domestic water supplies are provided by a system of interconnected water wells and distribution lines. Surface water drainage depends on a series of drainage sub-systems for the collection and disposal of surface water. Solid waste disposal depends on collection and disposal to County-maintained sites outside of the planning area. Solid waste disposal of dry waste materials generated by activities of the City's public works functions are disposed of to an approved site located immediately east of the Regional Park north of the City.

#### Policies:

1. The City should authorize a computer analysis of the entire water distribution system to identify and eliminate obstacles to the free flow of water, and to assure adequate pressures at all points along the system. Such analysis is necessary to determining impacts of proposed new development projects, requirements for line sizing and pump improvements, and for maintaining a fire flow capable of delivering 1,500 gallons per minute within residential areas (2,000 gpm within new residential areas).
2. The City should undertake a program for the gradual elimination of points of infiltration of groundwater and storm water runoff into the sewage collection system in order to assure long-term capacity for urban expansion.
3. The City should authorize the preparation of a Master Drainage Plan for the entire area designated for urbanization by the General Plan Diagram. This Plan is needed to provide the basis for establishing realistic per-acre drainage fees and to eliminate



dependence on so-called "temporary drainage ponds" within individual subdivisions

4. Where disposal of surface water drainage to the CCID or San Luis Canals is not feasible, permanent drainage ponds should be provided in conjunction with park and recreation areas where feasible.
5. The City should adopt industrial performance standards which require industrial process analysis before the fact of site and building permit approval to assure compliance with air quality standards. Standards should provide for periodic monitoring of industrial processes which could have an adverse impact on air quality, including impacts that could result from a break-down in equipment designed to control emissions.
6. Industrial process review that may be required to determine conformance with industrial performance and air quality standards should be conducted by an engineer licensed in the State of California having demonstrated experience in the type of industrial process involved.
7. The City should require positive control of dust particles during project construction activities, including watering or use of emulsions, parking of heavy equipment on paved surfaces, prohibition of land grading operations during days of high wind (at 15mph, with gusts exceeding 20 mph), and prohibition of burning on vacant parcels.

#### Open Space for Public Safety

##### Seismic Safety Goals and Policies:

Since new construction can be designed to withstand probable seismic shaking without collapse, the greatest existing danger for the Los Banos area is the continued use of older structures, and especially those of unreinforced brick or other masonry construction. Goals for achieving and maintaining safety from seismic events include preventing serious injury, loss of life, serious damage to critical facilities involving large assemblies of people, and loss of continuity in providing essential public services.

The achievement of these goals is to occur through implementation of the following policies:

1. Inventory all buildings which are unsound under conditions of "moderate" seismic activity; buildings having questionable structural resistance should be considered for either rehabilitation or demolition. Structures determined by the City's Building Official to be structurally unsound are to be reported to the owner and recorded with the County Recorder to insure that future owners are made aware of hazardous conditions and risks.
2. All new building construction shall conform to the latest seismic requirements of the Uniform Building Code as a minimum standard.



3. The present building height limit of 50 feet shall be maintained, with a maximum of four stories.
4. Soil compaction tests, and geotechnical analysis of soil conditions and behavior under seismic conditions shall be required of all subdivisions and of all commercial, industrial and institutional structures over 6,000 square feet in area (or in the case of institutional structures, which hold over 100 people).
5. The City should adopt an Earthquake Disaster Plan in coordination with the County of Merced and local special districts (school and irrigation). The Plan should identify hazards that may occur as the result of an earthquake of major magnitude, including hazards from dam failure. The Plan should be sufficiently broad in scope to include the designation of evacuation routes and means to coordinate all local government agencies in assisting local residents in the event of a major earthquake, large-scale fire or explosion, or hazardous chemical spill or release of hazardous air-borne gas.

The close proximity of schools, a large park, residences and traffic-intensive commercial uses to Pacheco Blvd. insists on the development of special plans and procedures for notification and evacuation in the event of hazardous gas or chemical spills resulting from truck accidents along Pacheco Blvd.

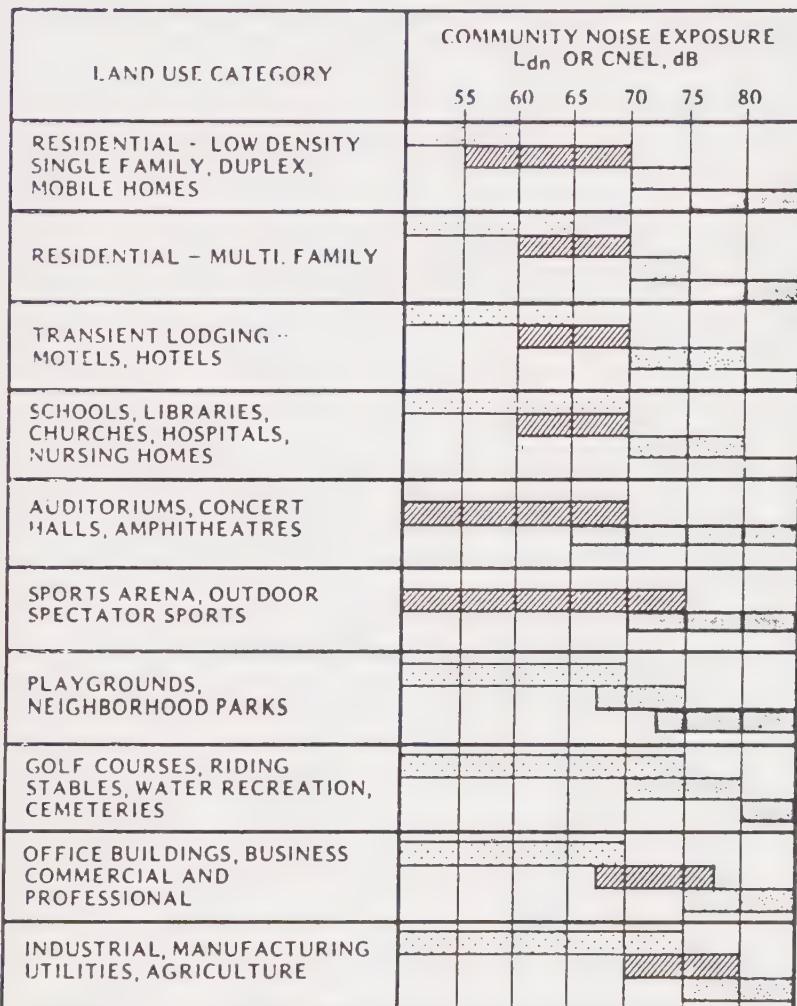
6. The Safety Element of the Merced County General Plan is hereby adopted and incorporated as part of the Safety Element of the Los Banos General Plan to the extent that it pertains to Los Banos. X
7. All lines which are part of the domestic water distribution system should be looped to assure adequate pressure in the event of major fire, earthquake, or explosion. Emergency standby power generation capability should be available at all water wells to assure water availability in the event of a major power failure.
8. Establish secondary fire stations in the vicinity of West "I" and West "L" Street, along Mercey Springs Rd. at the Merced County Community College and in the Lakeshore Villages subdivision. These stations would have a single pumper engine available as a minimum to reduce the potential for the spread of fire in the vicinity. X
9. Require the dedication of avigation easements by all developments located within the areas covered by the Airport Approach Zone and Overflight Zone (Safety Zones 2 and 3, respectively) as designated by the Merced County Airport Land Use Commission Policy Plan Update 1985.

#### Goals and Policies for Noise Control and Abatement:

The Goals of the Noise Element of the General Plan are to protect citizens from the harmful effects of exposure to excessive noise, and to protect the economic base of the City by preventing the encroachment of incompatible land uses near noise-producing roadways, industries, the railroad, the municipal airport and other sources.



FIGURE IV-6

LAND USE COMPATIBILITY FOR COMMUNITY NOISE ENVIRONMENTSINTERPRETATION**NORMALLY ACCEPTABLE**

Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

**CONDITIONALLY ACCEPTABLE**

New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

**NORMALLY UNACCEPTABLE**

New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

**CLEARLY UNACCEPTABLE**

New construction or development should generally not be undertaken.

Source: Appendix A, General Plan Guidelines, California State Office of Planning and Research, 1988 (as provided by the California Office of Noise Control)



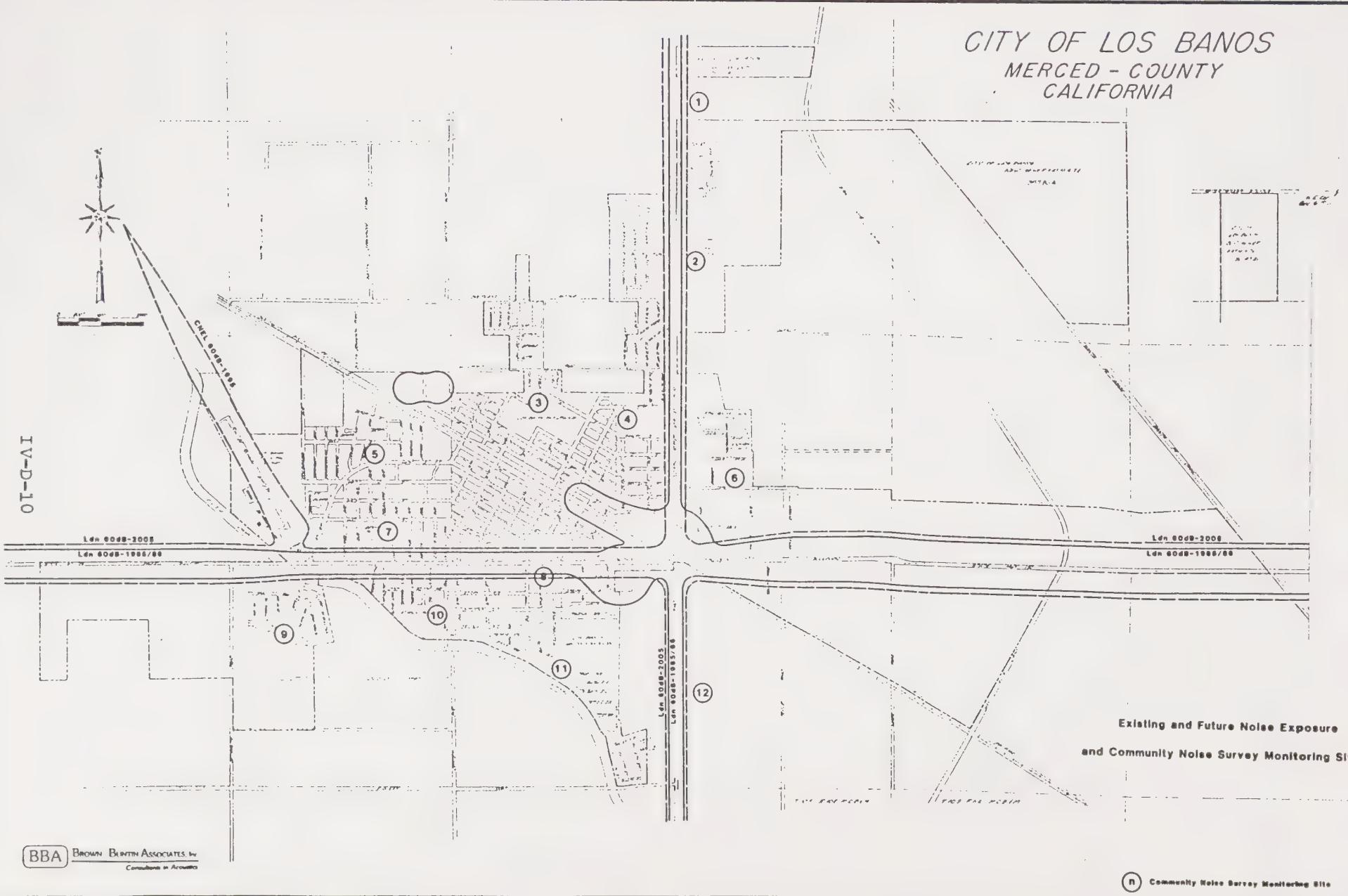
As a point of reference for the policies which follow, Figure IV-6 illustrates the different degrees of sensitivity of various land uses to their noise environment, and the range of noise levels considered to be appropriate for the full range of land use activities involved. For example, exterior noise levels in the range of 50-60 dB CNEL (Community Noise Exposure Level) are generally considered to be acceptable for residential land uses, allowing normal indoor and outdoor residential activities to occur without interruption. In contrast, industrial activities relatively insensitive to noise may be located in a noise environment up to 75 dB CNEL without adverse affects.

The following policies reflect the commitment of the City of Los Banos to the noise-related goals outlined above:

1. Areas within the City shall be designated as noise-impacted if exposed to existing or projected future noise levels exterior to buildings exceeding 60 dB CNEL or the performance standards described in Table IV-6. [Note: see Figure IV-7 for areas where existing and projected noise exposures exceed 60 dB CNEL for the major noise sources identified during preparation of the Noise Element.]
2. New development of residential or other noise sensitive land uses will not be permitted in noise-impacted areas unless effective mitigation measures are incorporated into project designs to reduce noise levels to the following levels:
  - a. Noise sources preempted from local control, such as street, highway or airport traffic: 60 dB CNEL or less in outdoor activity areas; 45 dB CNEL within interior living spaces or other noise-sensitive interior spaces. Where it is not possible to achieve reductions of exterior noise to 60 dB CNEL or less by using the best available and practical noise reduction technology, an exterior noise level of up to 65 dB CNEL will be allowed. Under no circumstances will interior noise levels be allowed to exceed 45 dB CNEL with windows and doors closed.
  - b. For noise from other sources, such as local industries: 60 dB CNEL or less in outdoor activity areas; 45 dB CNEL or less within interior living spaces, plus the performance standards contained in Table IV-6.
3. New development of industrial, commercial or other noise generating land uses will not be permitted if resulting noise levels will exceed 60 dB CNEL in areas containing residential or other noise-sensitive land uses. Additionally, new noise generating land uses which are not preempted from local noise regulation will not be permitted if resulting noise levels will exceed the performance standards contained in Table IV-6 in areas containing residential or other noise-sensitive land uses.
4. Noise level criteria applied to land uses other than residential or other noise-sensitive uses shall be consistent with the recommendations of the California Office of Noise Control as shown in Figure IV-7.



**FIGURE IV-7**  
**EXISTING AND FUTURE NOISE EXPOSURE**





5. New equipment and vehicles purchased by the City of Los Banos shall comply with noise level performance standards consistent with the best available noise reduction technology.

TABLE IV-6

NOISE LEVEL PERFORMANCE STANDARDS

<u>Category</u>	Cumulative No. Minutes in any 1-Hr. Time Period	<u>Exterior Noise Level Standards</u> [ * ]	
		Daytime 7:00am - 10:00pm	Nighttime 10:00pm - 7:00am
1	30	55	45
2	15	60	50
3	5	55	65
4	1	70	60
5	0	75	65

[\*] Each of the noise level standards specified in Table IV-6 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. The standards should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use.

Open Space for Shaping Urban Growth

Open space lands which significantly affect the shape of the urban pattern are those which seek the avoidance of urban sprawl (Land Use Element), agricultural lands at the boundary of urbanization shown on the General Plan Diagram, and wetlands to the north and east of the community. Essentially open uses of land which also affect the shape of the urban pattern include the Municipal Airport and its Clear Zones and Approach Zones to the west, the proposed alignment of the Route 152 Bypass to the south, and the alignment of the San Luis Canal east of the City.

Open Space for Outdoor Recreation

Because of its complexity, this component of the ERME is described below in a separate format. The Los Banos Park and Recreation Department prepared a separate version of the Park & Recreation Element of the General Plan in early 1988 which was adopted by the Park and Recreation Commission. This separate document has been included in the list of referenced documents in Part 1 which constitute the technical supplement to the General Plan. The essential policy aspects of the separate document are integrated into the description of Recreation Facilities and Services, below.



## THE MEANING OF RECREATION

Discussion about "recreation" is often plagued by misunderstanding and vagueness about the very meaning of the term. However, widespread agreement has developed within the field of recreation management on the following broad definition: That "recreation" encompasses all forms of recreation activity and planned inactivity which are undertaken voluntarily for pleasure, fun, relaxation, exercise, self-expression, or release from boredom, worry or tension. Recreation is physically and psychologically rejuvenating because it occurs apart from the essential routines of one's life.

## RECREATION ROLES AND RESPONSIBILITIES

The pervasive nature of recreation works against the establishment of clear-cut lines of responsibility among governments at all levels. Patterns of use seldom observe jurisdictional lines, and it is common to find regional use of locally sponsored areas and facilities and local use of regional, statewide and federally sponsored areas and facilities. Similarly, the roles of the City and local school district are often blurred.

The City has the basic responsibility for planning, developing and managing those park and recreation areas and facilities which are necessary to meet the neighborhood and community-wide needs of local residents. This role is shared by the Los Banos Unified School District, with considerable intermixture in supplying and programming the use of recreation areas and facilities throughout the community.

## RECREATION POLICIES

1. Recreation services should continue to be given a high priority as an investment in the growth and well-being of the individual, the family and the community.
2. The City's recreation program should encompass the needs of all age groups, concentrating on activities and experiences which people are largely unable to provide for themselves, and embracing a full range of active and passive recreation needs.
3. The range of public recreation needs should be met through the development of general and specialized areas and facilities at the neighborhood and community level throughout the urban area. These should include playlots for pre-school children in residential subdivisions and apartment complexes, neighborhood parks which maximize the potential for design and joint use with elementary and junior high schools, community parks for both active and passive recreation activities of a community-wide character (e.g., areas for picnicking, walking, resting, swimming, court games and spectator sports, an 18 hole golf course, and specialized centers for the recreation needs of the elderly and teen-age youth).
4. The fulfillment of recreation needs should be accomplished through a coordination of effort and programming on the part of the City and Unified School District, and working together with charitable,



tial subdivisions and apartment complexes, neighborhood parks which maximize the potential for design and joint use with elementary and junior high schools, community parks for both active and passive recreation activities of a community-wide character (e.g., areas for picnicking, walking, resting, swimming, court games and spectator sports, an 18 hole golf course, and specialized centers for the recreation needs of the elderly and teen-age youth.

4. The fulfillment of recreation needs should be accomplished through a coordination of effort and programming on the part of the City and Unified School District, and working together with charitable, service, religious and civic organizations. Such effort should take maximum advantage of fiscal and physical resources and of individual and group leadership and talent within the community, both public and private.
5. The City will encourage and where appropriate require (e.g., multi-family housing developments) the provision of recreation areas and facilities within residential areas. Where privately sponsored recreation facilities are provided, credit shall be given against recreation impact fees levied by the City in accordance with criteria provided in this Recreation Element component of the ERME. Such fees shall also be in accordance with provisions of the State Quimby Act for determining land dedication and fees required of private residential projects for the development of park and recreation areas and facilities.
6. The City will encourage and assist the private sector in providing recreation services and opportunities of a commercial character which will complement efforts of the City and Unified School District.
7. The City's Park & Recreation Commission will make recommendations to the Planning Commission and City Council periodically to update the Park & Recreation Element of the General Plan.

#### RECREATION DEMAND AND SPACE REQUIREMENTS

##### The Standard

The overall standard of the City for acquiring park and recreation areas under provisions of the State Quimby Act is 3.6 acres of developed land per 1,000 residents of the City. This standard was developed in 1985 when the population of the City reached 12,000, and was based on a calculation of 43 acres of developed park land within the City. This standard is greater than the basic maximum standard of 3.0 acres/1000 established by the Quimby Act for purposes of establishing recreation impact fees. However, the Quimby Act allows a greater standard up to 5.0 acres per 1000 where it can be demonstrated that a ratio greater than 3.0 acres/1000 already existed at the time of developing the local standard and the implementing ordinance.

It is important to note that outdoor recreation areas associated with school sites were not included in determining the 3.6 acres/1,000 ratio, as they



should have been. This would increase park and recreation acreage to 75 acres and increase the ratio to 5.7 acres of developed recreation area per 1,000 people. And, if the 40 acres of athletic fields and court game areas at the high school are included, the ratio increases to 8.8 acres/1,000. From the standpoint of policy, the City Council can establish a ratio anywhere between 3.0/1,000 and 5.0/1000 and be in conformance with the Quimby Act. From the standpoint of "quality of life", Los Banos can take pride in its having developed free-standing parks as well as recreation areas associated with its school sites far in excess of most communities in the State.

#### Space Requirements

With a projected population by the year 2010 ranging from 26,000 to 31,000, and applying the standard of 3.6 acres/1000, the community will need 50 to 68 additional acres of developed neighborhood and community recreation-park land above the 43 acres in inventory at the time of establishing the Quimby Act standard. This does not include land developed for outdoor recreation at school sites, or such specialized facilities as a golf course, recreation center for the elderly, an olympic-sized community swimming pool or refurbishing of the stadium at County Park for spectator sports.

This additional acreage will probably be acquired through land dedication, while dedevelopment of park acreage will be accomplished through the accumulation of fees paid to the City by residential land developers. Recommendations for land dedication will be made to the Planning & Building Department, the Planning Commission and City Council by the Parks and Recreation Department, as appropriate, during the development review process.

X

Recreation space requirements are based on the principle of maximizing the potential of combining park acreage with school grounds. At the level of the neighborhood recreation-park, a minimum of 3.0 acres of land is needed adjacent to the elementary school site and 5.0 acres adjacent to the junior high site. At the community recreation-park level, the need is more one of achieving better distribution of opportunity, given the existing location and character of community level areas and facilities. Specific space standards for neighborhood and community parks and specialized areas and facilities are provided in the Technical Supplement referred to above, and shall be followed as if fully contained herein.

A neighborhood recreation-park provided in conjunction with an elementary school site provides about 6-7 acres of recreation space to serve 2,500 to 3,000 people. The potential can even be further enhanced by careful attention to the design and placement of new classroom facilities in relation to the total site. An important consideration is to provide security by fencing the building area, leaving remaining acreage for development in a manner which maximizes recreation use during non-school hours.

Table IV-8 lists the types of recreation areas required at the community recreation-park level. Again, the standards contrast the ideal with an adjusted standard for Los Banos which reflects the availability of areas and facilities at the high school, County Park and Regional Park.



Of special importance are requirements of the Quimby Act on recreation-park location and the timing of park development. Under the Quimby Act, neighborhood level areas and facilities must be located within reasonable walking distance of each new residential development project, which is generally considered to be within 1/2 to 3/4 miles. Areas and facilities must also be developed within five years of the collection of fees for both neighborhood and community recreation-park areas and facilities. For residential projects further than 1/4 mile from an existing or planned playlot at an elementary school site, a separate playlot in conjunction with a small park may be required.

#### PROPOSALS FOR RECREATION-PARK AND SPECIALIZED RECREATION DEVELOPMENT

Existing and future areas for park and recreation area development are shown on the General Plan Diagram and include the following types of basic and specialized areas and facilities:

- Playlots incorporated into park or school sites
- Neighborhood recreation-parks (both in conjunction with elementary school sites and free-standing)
- Community recreation-parks (both freestanding and in conjunction with the high school)
- Free-standing athletic fields for organized baseball and soccer
- A 160 acre 18-hole gold course
- A system of pedestrian trails interconnecting with major park and school sites

The proposals which follow cover the more important areas and facilities. The more complete description is provided in the Parks and Recreation Element contained in the Technical Supplement to the General Plan.

#### Playlots

The playlot is a small area of 6000-12,000 square feet developed for the imaginative, creative and sometimes vigorous outdoor play of small children ranging in age from 3 to 7 years. It supplements the home by providing experiences which are not possible at home because of space limitations and cost.

#### Neighborhood Parks

New neighborhood parks are proposed in conjunction with new elementary school sites in the Crestview subdivision at the intersection of Pioneer and Cardoza Rds., and between Willmott and Overland east of Mercey Springs Rd. Other new neighborhood parks are also proposed on Page Rd. immediately east of the Merced College campus, within the Hostetler subdivision north of Overland Avenue and west of Mercey Springs Road, and adjacent to San Luis High School. Small acreage additions are also proposed at Citrus Park II and at Skylark Park. Some of the acreage of the Regional Park along North Mercey Springs would also be devoted to neighborhood recreation-park use.



### Community Parks

The new Regional Park along North Mercey Springs Road has sufficient undeveloped acreage to serve as a large community park which includes neighborhood and community level areas and facilities and areas for such specialized activities as competitive baseball and soccer. A community park of 15 to 20 acres would be added within the southeastern Approach Zone to the municipal airport. This park would provide areas for passive forms of outdoor recreation where concentrations of users such as those generated by spectator sports will not be involved. An addition to Talbott Park along East San Luis Street is proposed in conjunction with a new Junior High campus along Place Road. This would elevate Talbott Park to true community park status. With this new facility, four community-level parks (Regional, Talbott, County, Airport Approach) will be fairly evenly distributed throughout the community in addition to the extensive indoor and outdoor recreation opportunities of a community-wide nature offered at the High School.

### Athletic Fields

Additional athletic fields for competitive field sports such as soccer and baseball will be required. It is especially important that soccer fields be provided away from elementary school sites, so that the school sites are more appropriately available for a much broader range of neighborhood recreation activities. Additional free-standing athletic fields are not shown on the General Plan Diagram because of the many different possible locations to be considered. One significant opportunity may arise by combining athletic fields with drainage basins for dual purpose use of the acreage. Under this approach, a drainage basin is terraced so that all levels would not be inundated by surface water drainage flows except during exceptionally wet periods. A decision to combine drainage basins with athletic fields must await completion of a Master Drainage Plan as previously recommended.

### Recreation Trail System

A system of interconnecting recreation trails is proposed that would utilize canal levees, the railroad right-of-way, landscaped buffer strips, alignments along the boundaries of agricultural parcels, school and park sites and corridors along streets where necessary to provide the trail user with an opportunity to stroll, walk, jog and run throughout and around the entire community with a minimum of contact with vehicle traffic.

### 18-Hole Golf Course

A championship level golf course is proposed on marginal agricultural land about 1/2 mile east of the east city limits along the north side of State Route 152. Land use feasibility is predicated on: 1) the adoption of a Specific Plan and separate EIR for the project; 2) maintaining the policies of the General Plan which seek to protect agricultural and wetlands in the immediate vicinity of the proposed course from encroachment by urbanization over the long term; and 3) in assuring adequate mitigation of potential adverse environmental impacts to be identified in the project Environmental Impact Report. Only potential long-term cumulative and growth-inducing effects of the golf course/residential complex are discussed in the General Plan EIR provided in Part VI.



Financial feasibility is predicated on there being sufficient residential development integrated with the course by design to enable the developer to deed the course to the City.

#### Financing Park and Recreation Development

The City has enacted an ordinance under provisions of the Quimby Act that generates a recreation impact fee of \$538 per single-family detached housing unit toward the cost of new park development, when land dedication is not required. In addition, the City's total recreation budget is supplemented by user fees and allocations from the General Fund. This new fee has overcome the limitations of the \$100 fee which existed when this General Plan was in its early draft stage.

Conservative estimates of costs for acquiring and developing park land are \$20,000 and \$30,000 per acre, respectively. The \$30,000 per acre development cost estimate is only for such "basic" facilities as irrigated landscaping, benches, drinking fountains, lighting, paved areas for court games, restrooms, and picnic tables. It does not include costs of such facilities as lap swimming pools, tennis courts, group picnic shelters, regulation baseball diamonds and recreation center buildings and equipment, nor does it include the costs of refurbishing some of the older park and recreation areas of the City.

Assuming combined acquisition and development costs (in current dollars) of \$50,000 per acre, and a ratio of 3.6 acres of developed park land per 1,000 people added to the community, costs of additional areas and facilities to meet the needs of the next 13,000 people will be in the order of \$2.34 million. Under existing City impact fees, 13,000 additional people would require about 5,200 new housing units. Assuming 70% were single-family detached and the remainder were multi-family, fees would generate sufficient funds to meet basic needs.

Parks and recreation services and opportunities provided by the City also benefit people residing outside of the City, within the area served by the Los Banos Unified High School District. Because of this area-wide service, consideration should be given to the formation of a Park & Recreation District. The creation of such a District would assure adequate and equitable funding of areas, facilities and services which clearly benefit the unincorporated area population.

It is the intention of the Los Banos Area Park and Recreation Commission and City staff to serve as the lead agency in providing park and recreation opportunities throughout the 600 square mile service area of the Los Banos Unified School District. Parks located outside the City limits would be financed through a combination of benefit assessment districts and user fees. The City may enter into joint powers agreements with other public agencies, and agreements with private parties, to oversee development and maintenance of park and recreation areas and facilities throughout the School District.

Specific regional parks now being planned and considered within the District's service area include, but are not limited to, the following:



1. Wetlands Park: An approximate 1,000 acre area adjacent to the City's wastewater treatment facility and north of the proposed municipal golf course/residential/commercial complex. Acquisition is being explored using funds controlled by the Wildlife Conservation Board and through private financial assistance. The project would also serve as a means to mitigate the loss of habitat that would result from the proposed Grandes Reservoir project.
2. Grandes City Park: A proposed 100 acre park and residential camp adjacent to the Grandes Reservoir to be used for City and School District recreation functions. The camp would serve as partial mitigation for the loss of lands required for the Reservoir. Development costs would be met from public and private agency funding and user fees.
3. Mercey Springs Wayside Park: A 50-100 acre Recreation Vehicle park to be developed in the vicinity of Interstate 5 and Mercey Springs Road. Primary development funding would be generated by user fees paid by the traveling public and by major RV user groups from throughout the State.
4. Stockton Pond: This project would feature fishing and camping for youth groups in a day camp setting, under adult supervision. It would be developed in cooperation with the Central California Irrigation District at the pond located on Copa de Oro Road east of Ortigalita Road.
5. Additional Facilities: Additional park and recreation areas and facilities would be proposed as needed throughout the Los Banos Unified School District.

#### Contents of the Technical Supplement

The entire Parks & Recreation Element has been made a part of the Technical Supplement to the General Plan by reference, and covers the following major sections which should be consulted for greater detail. Topics include standards for development, inventory of existing areas and facilities, regional facilities, park development and maintenance standards and costs, and an action program for implementation. The contents of the Element are considered to be policy of the General Plan as if contained herein.



## PART V

### DIRECTIONS FOR GENERAL PLAN INTERPRETATION AND IMPLEMENTATION

#### INTERPRETING THE GENERAL PLAN

The entire text of this document and the General Plan Diagram which accompanies it constitutes the Los Banos General Plan. While the Plan Diagram may typically be referred to more frequently than the text, full understanding of applicable policies and proposals illustrated on the Plan Diagram requires reference to the text.

The wide range and complexity of subject matter covered by the General Plan is certain to generate questions of interpretation. As questions arise, the City Planning Department should prepare written interpretations for review and concurrence with the Planning Commission, City Council and other affected public bodies (e.g., the Unified School district, Recreation Commission, County Planning Department and LAFCO). These written interpretations will become a body of official opinion and a public record for consistent application of policies and proposals of the Plan, and for discussion during annual review and possible amendments to the Plan.

The word "general" is a key to understanding the nature of policies and proposals. It implies overall agreement on major issues without a straight jacket of inflexibility; it implies variation and encourages innovation while working toward the achievement of common goals; and it implies the need for adjustment of policies and proposals as changing conditions may dictate.

A properly administered General Plan demands that the rule of "reasonableness" be applied to permit flexibility, variation and adjustment as long as the integrity of basic policies and proposals is maintained. However, any changes that are desired must result from careful study (as required by the State Planning & Zoning Law). Such study should be made independent of pending applications for controversial development proposals, temporary fiscal problems and other "matters of the moment". The policies and proposals of the Plan are not intended to be changed or twisted to accommodate special interests, whether public or private.

The integrity of the Plan must be maintained if it is to be an effective instrument of public policy among units of government, private enterprise and the public-at-large. Moreover, if Plan policies and proposals are ignored during the zoning process, or if they are changed without following the due process and guidelines established by the State, the entire local planning process becomes subject to legal sanction. This can include action by the Court, the Attorney General's Office and the State Office of Planning and Research prohibiting the subdivision of land, approval of zoning permits and issuance of building permits until corrective action is taken. This type of sanction has been taken against the planning programs of several counties and cities in recent years.



## ACHIEVING ZONING CONSISTENCY WITH THE GENERAL PLAN

State Law requires that the City's zoning ordinance and zone plan be consistent with policies and proposals of the General Plan. With adoption of this first comprehensive version of the General Plan, the City also adopts the first major up-dates of its Land Use and Circulation Elements in 24 years. In order to fulfill requirements of law and give the City the types of zoning district regulations and procedural regulations needed, the first priority of the City is to draft a revision of its zoning ordinance. The existing zoning ordinance is as outdated and difficult to administer as was the previous land use policy which it was supposed to reflect.

## DEVELOPING A COMPREHENSIVE ANNEXATION PROGRAM

A major policy of the General Plan is that the City follow an aggressive program of annexation of lands needed for urbanization over the next 12 - 15 years. In order to efficiently implement this policy, the City will need to follow an annexation program that addresses all of the criteria and requirements of law that must be evaluated by the Merced County LAFCO on a comprehensive basis.

In reviewing a proposal for annexation, the core factors which LAFCO must consider concern community-wide land use, development and public service policies of the City, and may be summarized as follows:

1. The likelihood of significant growth and its effect on other incorporated and unincorporated territory during the next 10 years.
2. The costs and capability of providing adequate public facilities and the levels of governmental service required.
3. The effects on adjacent areas, on mutual social and economic interests, and on the local government structure of the County.
4. Conformity with LAFCO policies which seek efficient patterns of urban development, including encouraging the guiding of urbanization away from existing prime agricultural lands and encouraging development of existing vacant or non-prime lands within S.U.D.P. boundaries before allowing development outside the S.U.D.P. boundaries.
5. Maintaining the physical and economic integrity of agricultural lands.



In addressing these factors, the burden of proof rests with the City to make the case for the City's overall strategy on managing urban growth. Guidance to the City in addressing these factors is provided below. Much of the content of the CAP is already provided in various parts of the General Plan document. It is important to note that the costs of preparing the CAP can and should be shared by property owners seeking annexation.

#### LIKELIHOOD OF SIGNIFICANT GROWTH WITHIN 10 YEARS

##### Standards:

The standards recommended for application under this factor are:

A. The Comprehensive Annexation Program shall reflect an approach that will meet the existing requirements and desires of the City. The Program should be evaluated and updated every five years, or sooner if major General Plan amendments are adopted. In arriving at the establishment of a Comprehensive Annexation Program, consideration should be given to the following factors:

1. An Urban Growth Strategy, including:

- Population and housing projections
- Location of planned growth areas
- Probable annexations, including interdependencies among annexations which may necessitate either sequenced or concurrent annexation approvals by LAFCO.
- An Urban Service Delievery Plan.

2. Infill policies, including:

- An inventory of existing vacant lands within the City's corporate limits, including parcels larger than five acres, land use designation and the number of units in each residential designation; Approved -- but as yet unbuilt -- projects, including tentative maps, final maps, planned developments (PD's) and site plan approvals for developments larger than five acres or accommodating 20 or more dwelling units. Separate calculations are needed for tentative maps v. final maps.
- Factors which impede the development of vacant land already in the City limits.
- Past practices, existing policies and future options to eliminate obstacles to infill and to promote infill development.
- Numerical goals for residential units of infill construction. Infill objectives will be based on realistic growth and development strategies which consider all of the positive and negative factors associated therewith.

3. Agricultural preservation policies identifying prime agricultural lands within the Sphere of Influence boundary, including provisions for guiding growth away from such lands.



B. An application for annexation of land for residential development shall be accompanied by evidence, including a housing market analysis, that will justify the proposed conversion of agricultural or other open space to urban use. The market analysis will consider the appropriate factors of supply and demand and the Comprehensive Annexation plan. The level of detail shall be commensurate with the scale and complexity of the proposed development project. For properties under 20 acres in area and adjacent to or wholly or partly surrounded by existing urban development, the City (with the advice and counsel of the LAFCO staff), may exempt the application from the requirement for market analysis.

#### Discussion

A Comprehensive Annexation Plan (CAP) is a statement and analysis of the City's growth plans, focusing in particular on the timing of growth and annexations needed to support that growth in light of all other appropriate considerations. The CAP has the purpose of providing LAFCO with a complete context for evaluating the likelihood of significant growth. Within this context, LAFCO can compare any proposed annexation to projected demand for growth and an appraisal of whether the existing supply of vacant land in the City can be expected realistically to develop first. The existence of vacant land does not necessarily mean that it is developable for a variety of reasons as described in Part III. The CAP should be prepared in sufficient detail to explain the City's intentions, demonstrate that annexations are needed in light of growth potential and lack of development capability or action on other lands, and that additional annexations will not significantly inhibit the timely development of existing vacant lands within the City.

One of the more important factors for Los Banos may be the accumulation of approved tentative maps on recently annexed lands which may not go to the final map stage because of an original intent by the landowner or agent to speculate on sales potential. A growing inventory of tentative maps approved since 1985 points to this possibility, and there cannot be any presumption that final maps will be recorded and development will occur for all of these potential projects.

The purpose of infill policies is to facilitate LAFCO determination as to whether a proposed annexation will significantly affect the City's ability to meet its infill goals. It is appropriate in some situations for cities to reserve lands for a needed use for which a market does not now exist. Consequently, a significant inventory of property for such use should not necessarily become a bar to annexation. Similarly, the existence of policies to promote infill may support a determination that a proposed annexation will not result in the premature conversion of open space because the City is taking steps to have existing vacant lands developed. For Los Banos, a major factor inhibiting such infill is the incompatibility of surrounding land use to new residential development on a fairly large amount of vacant acreage. In any event, the infill goal is but one factor of the overall CAP which is used to determine the likelihood of significant growth.



## COSTS AND CAPABILITIES OF PROVIDING PUBLIC SERVICES AND FACILITIES

### The Standard

This standard requires that the appropriate range of urban services and facilities shall be available to areas proposed for annexation when needed. Prior to submittal of individual annexation proposals to LAFCO, the City will submit an Urban Service Delivery Plan identifying the availability, methods and costs of providing the full range of services that will be needed by the proposed project.

### Discussion

The Urban Service Delivery Plan covers the needed extension of public services and facilities into areas planned for annexation during the time frame of the CAP. Its purpose is to facilitate LAFCO assessment of whether adequate services and facilities will be available. The plan should identify the services to be extended, the facilities to be constructed, existing capacities, and the public agency responsible for service. Critical time thresholds on availability need to be identified (e.g., when will the need for off-site traffic signalization be triggered), along with the methods of financing to be utilized.

The Service Delivery Plan should emphasize the need for capital improvements, the methods of providing them and steps to be taken to avoid unnecessarily high operating costs. Only that level of detail is required to enable LAFCO to evaluate the feasibility of service without causing undue deficiencies to the affected agency or negative impacts on other jurisdictions. The Plan will be of necessity be more conceptual for years 5-15 than it will for years 1-5. Alternative approaches to resolving service issues should be identified where feasible.

## EFFECT ON ADJACENT AREAS, MUTUAL SOCIAL AND ECONOMIC INTERESTS AND LOCAL GOVERNMENT STRUCTURE

### The Standard

The annexation application should describe the effects which it will have on adjacent areas within and outside of the City, and including any social and economic benefits that may accrue. The proposal should not create any significant social or economic effects on the County or neighboring public agencies.

### Discussion

Meeting this standard requires that overall beneficial or negative consequences be placed in perspective through quantitative analysis. Examples of mutual social and economic benefits include: provision of low-moderate income housing; creation of new employment opportunities; providing commercial areas where existing commercial development does not meet the needs of local residents; protecting sensitive resources; advancing the time when public improvements needed by the larger community can be made available;



and, improving levels of service within the community without incurring significant additional costs. Examples of negative consequences would be the creation of peninsulas of unincorporated territory and inefficient patterns for the provision of sheriff, police and fire protection services.

**CREATING EFFICIENT PATTERNS OF URBAN DEVELOPMENT; GUIDING URBANIZATION  
AWAY FROM PRIME AGRICULTURAL LANDS; ENCOURAGING DEVELOPMENT  
OF EXISTING VACANT OR NON-PRIME LANDS**

The Standards

Urban development should be guided away from prime agricultural land unless such action would not promote planned, orderly or efficient patterns of land use, or unless there is no other reasonable choice available to meet the needs of the City for urban expansion.

A. An annexation is considered to guide development away from prime agricultural land under any of the following conditions:

1. If it does not contain prime agricultural soils rated as Class I or II under the soil classification system utilized by the U.S. Soil Conservation Service, or does not contain soils having a rating greater than 80 on the Storie Soil Classification Index, or does not contain soils rated "prime" or "unique" under the Important Farmland Series maps maintained by the State Department of Agriculture.
2. If it is wholly or partly surrounded (on at least two sides) by urban development.
3. If less than 25% of the acreage is rated as Class I or II as under A., above, out of a total of less than 100 acres.

B. An annexation is considered to promote the planned, orderly and efficient development of the City if:

1. The proposed annexation meets the tests for the likelihood of significant growth in 10 years (as described above).
2. The proposed annexation either abuts a developed area of the City or properties which are already committed to urban development by the extension of streets, utilities of other public facilities where service extensions were predicated on adjacent lands being developed to assist in meeting bond or other financial obligations against the property.
3. It can be demonstrated that there are insufficient vacant non-prime lands within the Sphere of Influence (S.U.D.P.) boundaries which are planned for the same general purposes because of one or more of the following conditions:
  - a. Where land is unavailable at a reasonable market rate as determined by competent appraisal.



- b. Where insufficient land is currently available for the type of land use proposed, as determined by competent market analysis.
- c. Where surrounding or adjacent land use clearly is incompatible because of age and condition of structures, a mixture of residential and non-residential land use, or other conditions of physical blight that would adversely affect property values and the ability to finance the project.

C. Notwithstanding the factors listed above, it is the responsibility of the City to undertake actions to facilitate and encourage the infill of land within the City limits so as to minimize the need for further annexation. Such actions would include, but are not limited to, the following:

1. Redevelopment plans and actions programs.
2. Financial planning and capital improvement programming.
3. Changes in land use policies and regulations.
4. Housing programs, including rehabilitation.

D. The City's Comprehensive Annexation Plan shall identify prime agricultural lands within the S.U.D.P. boundary, and contain specific provisions for guiding growth away from such lands.

#### Discussion

These standards are self explanatory, and need little discussion. They go to the heart of the test for determining what constitutes "planned, orderly and efficient development" for the City, drawing heavily on relevant findings, policies and proposals of the adopted General Plan. With respect to infill, the standards recognize that infill can only be encouraged and not mandated in recognition of variables that may make infill unfeasible or difficult, while mandating that the City make and sustain a good faith effort to achieve infill over time.

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#### THE FINANCIAL PLAN

The City provides services to the people, and regulates certain activities for the common good. Therefore, the most important decisions the City will make will be those that determine which services will be provided and which level or standard of service will prevail. The framework for the systematic provision of needed public services is the Financial Plan.

#### Components of the Financial Plan

The Financial Plan has three major components: 1) the capital improvements program; 2) the public services program; and 3) the revenue program. Each of these components is integrated with the others to provide a balanced view of requirements to overcome deficiencies and to meet emerging needs.



The capital improvements program provides a priority list of public improvements which will be needed over a five year period. From this list, projects are selected and recommended to the City Council for inclusion in the annual budget. Each year, the program is extended an additional year to maintain the five-year perspective. Financial data, including capital project costs, revenue estimates and projected annual costs of operation and maintenance become a vital part of the program.

The public service program provides a balanced view of the operating and capital expenditures required for continuation and expansion of City services. It permits selection of the levels of service to be provided under various departmental programs, indicating the impact which a given level will have on long-term commitments to capital improvements and to costs of operation and maintenance.

The revenue program deals with the acquisition and allocation of funds necessary to carry out the capital improvements and public services programs.

#### The Role of the Planning Commission

The role of the Planning Commission in this process is to review all proposed projects to determine their conformity with the General Plan; to list and classify all proposed projects; and to recommend to the City Council a co-ordinated program of public works for the ensuing fiscal year. By State Law, all public agencies operating within Los Banos, including the school district and other special districts, must submit their capital improvement projects to the City for such review. Such referral is also required for any proposed public acquisition or disposal of real property. [Gov't. Code Secs. 65401-65403.

#### Value of the Financial Plan

From the vantage point of the citizen, the Financial Plan provides an understanding of the fiscal requirements for meeting the needs for and maintaining public services and capital improvements. Utilized to its full potential, the Plan will permit gradual achievement of community goals while avoiding an atmosphere of crisis which can arise when revenues and spending are projected only on an annual basis.

From the vantage point of the City Council and City Manager, the Financial Plan becomes an essential device for policy decision and the effective and efficient management of City affairs. It provides a consistent means to examine needs, to evaluate their relative importance in relation to policies of the General Plan, and to determine which needs can be met within the limitations of financial resources and the ability and willingness of the community to pay for them.

#### Scheduling the Process

The process involved in preparing the Financial Plan is the same, basically, as that followed in developing the annual budget. The steps required are:

1. Conception and initiation of capital projects.
2. Submission of capital improvement request forms to departments.



3. Analysis of revenue and expenditure patterns by the City Manager.
4. Review of departmental requests by City Manager concurrent with review of proposed improvements by the Planning Commission.
5. City Council public hearings, review and adoption.
6. Construction plans, advertising and contract awards.
7. Coordination of projects among agencies (including intergovernmental and city/utility company coordination).
8. Amendments to Financial Plan, including mid-year amendments as needed.
9. Begin the process again for the succeeding year.

#### REDEVELOPMENT AND REVITALIZATION

Use of the California Community Redevelopment Law procedures is new to Los Banos, but it is a process being followed by several hundred cities in California and many counties in order to accomplish economic development and revitalization. Selective redevelopment and revitalization has been made a major policy of the General Plan as described at the end of Part III. The approach made possible by California Statutes is that lands can be acquired and developed for private purposes only if a favorable private investment is possible and is assured by contract with the City's Redevelopment Agency. The law also requires that needs of affected landowners be met fairly either through opportunity to participate in the new development, or to sell at fair market value and be relocated without incurring personal expense.

One of the advantages of State Law redevelopment is that the City Council can constitute its own membership as that of the Redevelopment Agency, thus avoiding conflicts between two separate and legally constituted decision-making authorities. Having identical membership on both the Council and Agency board, integration and coordination of public purpose is assured, allowing the Agency to accomplish many things for the community that would not otherwise be permitted by a City Council.

#### IMPLEMENTATION STRATEGY AND ANNUAL REPORT

Amendments to the State Planning and Zoning Law (effective January 1, 1985), require a systematic approach to General Plan implementation. Section 65400 of the Government Code requires the Planning Department (and Planning Commission) to investigate and recommend to the City Council "...reasonable and practical means for implementing the General Plan or element of the General Plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the General Plan." The law further requires the City Council to receive an annual report on the status of the General Plan and progress toward its implementation.

This requirement seeks to avoid the often fragmented and incomplete attention to Plan implementation that has characterized the actions of too many cities and counties. The most common practices have been to respond to requests for Plan amendments and zoning applications, to prepare a capital improvement program, and to undertake special projects as desired.



What is needed in Los Banos to respond to these requirements is to classify and assign priorities to policies and proposals of each Element of the General Plan. The classifications should define required kinds of actions (plan, program, capital project or regulation), who is responsible (public agency, private organization or individual), and the short, medium and long-range time frame involved. The decision on priorities rests with the City Council, with the advise of the Planning Commission. However, discussions should be undertaken also with other public agencies and the private sector, with opportunity for participation by interested citizens through public meetings and hearings. In some cases, collaborative or even separate actions from those of the City may be required by other parties.

The investigative and reporting process may best be dove-tailed with the Financial Plan process described above, since the ability to finance City actions is essential to establishing priorities and levels of effort. In addition to providing an up-to-date view on progress toward Plan implementation, the Annual Report can also be used as the means to modify implementation priorities as conditions may warrant change.



## PART VI

### FINAL ENVIRONMENTAL IMPACT REPORT [SCH# 88062114]

#### SECTION A - INTRODUCTION AND SUMMARY

##### CONTENT OF FINAL EIR

This Final EIR for the 1988 Los Banos General Plan Update has been prepared pursuant to the "Guidelines for Implementation of the California Environmental Quality Act", as amended. This document, together with the Draft EIR which has been revised as contained in this chapter, constitutes the Final EIR for the Project.

This document responds to comments received by the City of Los Banos in writing by the close of the public review period on the Draft EIR, and to comments offered by the public and by members of the Los Banos City Planning Commission and City Council at the close of the Commission and Council public hearings on the Draft EIR. Several written comments are also included which were submitted to the City in response to the Notice of Preparation. These additional comments are noted in the list which follows by brackets before and after the acronym [NOP]. They have been included so that references can be made to those parts of the General Plan document where the concerns have been covered.

##### PERSONS, ORGANIZATIONS AND PUBLIC AGENCIES COMMENTING ON THE DRAFT EIR

###### Written Comments

1. Terry L. Barrie, IGR Coordinator, California Department of Transportation (District X). Stockton, CA.
2. Sandy Hesnard, Environmental Planner, Division of Aeronautics, California Department of Transportation. [NOP]
3. Martha Neuman, Research Assistant, California Department of Food and Agriculture.
4. Dennis J. O'Bryant, Environmental Program Coordinator, Office of the Director, California Department of Conservation.
5. George D. Nokes, Regional Manager, Region 4 (Fresno), California Department of Fish and Game.
6. John Thayer, Jr., Assistant Executive Officer, Merced County Local Agency Formation Commission.
7. Gail McCullough, Chairperson, Merced County Airport Land Use Comm.
8. Seth H. Irish, Irish's Drafting Service, Hollister.
9. Alexander T. Henson, Attorney, Representing the Grasslands Water District [NOP Letter, 7/19/88; Draft EIR letter, 8/31/88].



Oral Comments (received at Planning Commission and City Council public hearings on the General Plan EIR of 9/14/88 and 9/21/88, respectively.

1. Walter Neal indicated that his consultant had submitted a letter presenting his views (see Item No. 8 under Written Comments).

All other oral comments concerned policies and proposals of the General Plan rather than analyses and conclusions of the EIR.

#### PROCEDURE FOR CITY COUNCIL ACTION

##### Certification

When this Final EIR is presented to the City Council, and before Council adoption of the proposed General Plan, the Council is required to "certify" the adequacy of the Final EIR. Certification consists of two separate steps:

1. A conclusion by the City Council that the document has been completed in compliance with CEQA.
2. That the Council has reviewed and considered the information within the EIR prior to approving the Project.

After certifying an EIR for adequacy, but prior to approving the Project, the Council can rescind and reconsider its certification, and can even change the document's environmental conclusions, as long as the Council makes the appropriate findings regarding mitigation or overriding considerations. Otherwise, certification of the document as presented to the Council constitutes agreement by the Council that the mitigation measures will be imposed as the General Plan is implemented.

For each significant effect identified in the EIR, the Council must make one or more of the following findings as prescribed by Section 15091 of CEQA Guidelines, prior to adoption of the General Plan:

1. That changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the effect (either through approving the recommended mitigation measures or through changing the project's proposals and characteristics);
2. That the Council lacks jurisdiction to make the change; and/or
3. That specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.

All of the above findings must be supported by substantial evidence in the record. When alternatives and mitigation measures are rejected as being infeasible, the findings must reveal the Council's reasons for reaching that conclusion. Conclusory statements alone are inadequate.



## Project Approval

After certifying the EIR and issuing the proper findings, final decision to approve the project (i.e., adopt the General Plan) is left to the City Council. The City has the responsibility "to avoid or minimize environmental damage where feasible." The Council's determination as to what constitutes being "feasible" requires that there be substantial evidence of support in the administrative record. In conjunction with making the findings under Section 15091 of CEQA Guidelines, the City Council is further constrained to not adopt the General Plan unless either of the following conditions have been met:

1. The project as approved will not have a significant effect on the environment.
2. The City Council has:
  - a. Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and
  - b. Determined that remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093 of CEQA Guidelines.

Under the provisions of Section 15093, the City Council is required "... to balance the benefits of the General Plan against its unavoidable risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'." If the Council allows the occurrence of significant effects which are identified in the Final EIR but are not at least substantially mitigated, the Council must state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record.

The documentation which follows indicates the mitigation measures proposed by the Final EIR which in themselves are adequate to mitigate fully or at least substantially certain potential adverse impacts. These measures are indicated by an asterisk [\*]. Measures where findings under Section 15091 are required are indicated by bracketed numbers relating to the Section [15091]. In addition, measures where separate action by the Council may be required to approve statements of overriding considerations under Section 15093 are indicated by bracketed numbers relating to the Section [15093].

## MITIGATION MEASURES RECOMMENDED BY THE DRAFT EIR AND THIS DOCUMENT

The more important policies and proposals of the General Plan which will serve as important mitigation measures include the following:

1. Reducing the area envisioned for population growth and urban expansion reflected by the previous General Plan. [\*]



2. Incremental phasing of development over the 22 year period of Plan projection, with lands to be developed after the year 2000 designated as "Reserve". [\*]
3. Achieving added quality in multi-family development consistent with meeting housing needs. [\*]
4. Eventual annexation of all lands depicted for urban expansion on the General Plan Diagram; maintaining a growth rate which will not exceed the reasonable capacity of the City and local special districts to provide needed public services. [\*]
5. Increasing efforts to achieve the in-fill of vacant lands which have been bypassed by the process of urban development, including standards to be met as a condition of redesignating lands held in "reserve" status, and efforts to achieve the revitalization of blighted areas through the cooperative efforts of the City and the private sector. [\*]
6. Enhancing existing economic activities, and providing for the expansion of business and industry at locations which will be convenient to the population to be served. [\*]
7. Enhancing air quality through improvements to traffic capacity and reduction of traffic congestion, by adopting industrial performance standards, by controlling dust particles during construction activities [\*].
8. Reducing the potential for significant impacts on air quality resulting from interregional commute traffic by encouraging ride sharing, van pools and bus transit for those who would commute to work at employment centers west of Pacheco Pass. [15093]
9. Monitoring and removal of constituents of surface drainage water which would have a harmful impact on the quality of water received from downstream agricultural and wetland users. [15091, 1.]
10. Partial mitigation of the impacts of converting agricultural land to urban use by applying Measures 1 and 2, above [15093], and a requirement for separate Specific Plans and project EIRs for the proposed golf course/residential complexes north of Highway 152 both east and west of the San Luis Canal. [15091 and possibly 15093]
11. Policies of the Land Use Element, including policies pertaining to residential, commercial, and industrial use, and to public and semi-public facilities which reduce the potential for adverse impact to acceptable levels. [\*]
12. Policies of the Circulation Element, including policies pertaining to State Highways, streets and alleys, the railroad corridor, off-street parking within the Central Business District and the airport which reduce the potential for adverse impact to acceptable levels. [\*]



13. Policies pertaining to the protection of known and as yet unknown cultural resources which eliminate the potential for adverse impact. [\*]
14. Policies of the Environmental Resources Management Element pertaining to "managed resource production", "natural and human resources", "health, welfare and well-being" and "noise". [\*]

Note: The more detailed descriptions of mitigation measures are to be consulted as described in Section B - Response to Comments, in Section C - Revised Draft EIR and to referenced parts of the text of the General plan.

ENVIRONMENTAL IMPACTS TO BE ADDRESSED AS PART OF THE EIR REQUIRED FOR THE MUNICIPAL GOLF COURSE/RESIDENTIAL/COMMERCIAL SPECIFIC PLAN

Many of the topics requiring evaluation in the Specific Plan EIR have already been identified during the process of public review on the initial Draft EIR for the golf course project that was prepared in early 1988 [see history and current status of the municipal golf course/residential project as described on page VI-19]. Of special importance are those potential impacts on land and biological resources identified by the State Department of Fish and Game, the U.S. Fish and Wildlife Service, the Grasslands Water District and property owners in the vicinity. The Specific Plan EIR will address all of the relevant topics previously identified and which are summarized in Appendix "D" to this Final EIR on the General Plan. This list should be kept in mind in reviewing the various comments and responses included in this Final EIR which pertain directly or indirectly to the municipal golf course/residential/commercial project.



## SECTION B - RESPONSE TO COMMENTS

### INTRODUCTION

This Part responds to the written comments that were received on the Draft EIR at the close of the public review period. The verbatim written comments are contained in full in Appendix "B". Where more than one party has offered essentially the same comments with respect to a particular concern, the written comment and response is combined for the sake of brevity. Responses to several comments received during the NOP process are also included for purposes of identifying where the concerns are covered in the text of the General Plan and/or in this Final EIR. The order of response is the same as that in the list of written comments provided in Section A.

### CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 10 (IGR Coordinator)

#### Comment: - Partial Interchanges along the Route 152 By-Pass

Caltrans approval of a partial interchange at Ward Road is questionable due to reluctance by the California Transportation Commission to grant approval of partial interchanges and the Commission's policy to maintain a minimum separation of one mile between interchanges in urban areas.

#### Response:

The General Plan Diagram does not propose a partial interchange at Ward Road. It only shows a future grade separation structure (overpass over the freeway) on Ward Road.

### CALIFORNIA DEPARTMENT OF TRANSPORTATION, DIVISION OF AERONAUTICS

#### NOP Comment: - Potential Impact to Airport Operations

The Draft EIR should address potential impacts to airport operations as well as airport-related noise and safety impacts on the community. Consideration to the issue of compatible land uses should help to relieve future conflicts between the airport and its surroundings.

#### Response:

The Draft EIR provides extensive coverage of these considerations in the discussion of Open Space and Residential Alternatives within the Airport Approach Zone, and by reference to airport policies provided at the end of Part IV-B of the General Plan. It should be noted that the Division of Aeronautics did not provide any written comment on the circulated Draft EIR during the 45 day public review period. Lack of comment does not signify approval of the proposal for combined Low Density Residential and Community Park development within the Airport Approach Zone. During preparation of the Draft EIR for the General Plan and the related Draft EIR for the K & K Eagle annexation and rezoning, responsible officials of the Division expressed their opinions during discussion of the issues involved. Those opinions can be summarized as: 1) preferring not to see any residential development within the Approach Zone corridor; and 2) that if residential development within the



Approach Zone becomes inevitable, it should include provision for the 19.5 acre community park alternative as shown on the General Plan Diagram (and as described in the K & K Eagle EIR and the General Plan EIR) as having the least adverse impact on aircraft safety as compared to allowing a greater amount of residential use and a substantially smaller park use within the Airport Approach Zone [conversation with Fred Stewart, Chief of the Planning Branch, Division of Aeronautics, and staff)].

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Comment: - No Comment Offered

The Department expressed appreciation of the Draft EIR's discussion on the significant impacts regarding agricultural land conversion.

Response:

The lack of critical comment suggests that the Draft EIR has provided satisfactory coverage of the issues involved with continued agricultural land conversion through urban expansion.

CALIFORNIA DEPARTMENT OF CONSERVATION (Environmental Program Coordinator)

Comment: - Partial Evaluation of Impacts on Agricultural Land

The Department asserts that the DEIR gives only partial evaluation to the total impact of urban expansion envisioned by the General Plan on agricultural land. The Department considered the evaluation to be partial based on the statement in the first paragraph under the subtitle "An Essential Perspective" on the first page of the Draft EIR. [See the full text of the Department's concerns, listed as Draft EIR Comment No. 4 in Appendix "B"]

Response:

The Department has wholly misconstrued the intent of the paragraph cited above. The paragraph is intended to indicate that the EIR does not engage in unnecessary redundancy with respect to previous development projects which had been approved by the City as amendments to the General Plan in recent years, and for which adequate environmental assessment was conducted. The specific amendments in question are listed in the Draft EIR. They are not specifically redescribed and evaluated in this General Plan EIR because they have already been made the subject of separate environmental assessments. However, they are included as part of the totality of concerns which properly must be addressed involving the impact of all urban development policy covered by the General Plan.

With respect to agricultural land conversion that already has occurred in the past, CEQA does not require that previously identified impacts and mitigation measures of development projects be reconsidered as if they had never been considered in the first instance. The appropriate place for consideration of previously approved projects as part of a General Plan EIR is in the discussion of impacts projected for the future urban pattern (under cumulative impact analysis).



Comment: - Additional Information Required

The Department states that the Final EIR should include information on how agricultural lands will be affected by the General Plan, including crop yields, agricultural potential, farmland conversion impacts (including economic impacts on all sectors of the economy) and additional mitigation measures.

Response:

The existing characteristics of agricultural lands that will be affected by full development under policies of the General Plan, including ag potential based on land capability, are described in Part II of the General plan, subtitle "Land Resources".

The combination of field crops being grown on approximately 2,000 acres of land scheduled for eventual urban development represents about 0.22% of the total acreage planted to field crops in Merced County in 1986. This acreage yielded a gross value of approximately \$ 471/acre or about \$942,000 for the 2,000 acres [calculated as the average for five field crops, including cotton, sugar beets, irrigated pasture, corn and alfalfa]. "Gross value" is value exclusive of all costs of production. [See 1986 Annual Report of Agriculture, Merced County Department of Agriculture]

The agricultural potential of the land, based on USDA land capability classifications, places most of the 2,000 acres within the classification of II, with about 25% in Class I. By definition, Class I soils have no limitation or hazards, and Class II soils have very few limitations. Both classes may be used safely for cultivated crops, pasture, range, woodland or wildlife. The "Important Farmlands Series Maps" maintained by the State Department of Agriculture for Merced County classify subject property as "P - Prime Farmlands". By definition, Prime Farmlands are lands which exhibit the best combination of physical and chemical properties in the production of agricultural crops. In Merced County, however, Prime Farmlands which lay within the Specific Urban Development Plan boundaries which surround the cities of the County are mapped as lands which are being held for urbanization [Source "Important Farmlands Map, on file with the Merced County Planning Department.]

The location of most of the agricultural land to be urbanized within the boundaries of the Specific Urban Development Plan reflects a County and LAFCO policy decision to treat agricultural lands that are to be held for urbanization differently than agricultural lands outside of SUDP boundaries. A similar policy has been adopted for each of the cities in Merced County. In the case of Los Banos' SUDP, its boundaries are coterminous with those of the City's Sphere of Influence. These designations in themselves constitute important means to minimize the loss of agricultural land to urban use, and to minimize the potential for urban-agricultural conflict. Since the SUDP concept was established, it is fair to state that special means to protect lands within SUDP boundaries that eventually are expected to urbanize are no longer necessary. This would include use of such mitigation measures as a right-to-farm ordinance, farmland trust and transfer of development rights. However, proposals for development phasing, including the establishment of "urban reserves" as proposed by the General Plan, would still be needed.



CALIFORNIA DEPARTMENT OF FISH AND GAME, REGION 4, FRESNO (Regional Manager)

Comment: - Surface Water Drainage

The Department indicates the need to address the quality of surface water drainage received through canal systems by the Grasslands Water District as well as by the Central California Irrigation District. The Department further calls for a drainage plan as part of the General Plan, with EIR disclosure of the extent of the potential impacts associated with continued discharge of urban runoff into the San Joaquin River. The drainage plan should address water quality objectives, peak flow volumes, detention pond locations and contingency measures to prevent contamination of surface waters due to a spill of hazardous materials within the urban area.

Response:

The first comment concerning drainage through canal systems of the Grasslands Water District is duly noted and accepted. Appropriate changes have been made to the text of the General Plan. As to the request for a Master Drainage Plan as part of the General Plan, it should be noted that a drainage plan is not required by the State Planning Law as a mandatory element of the General Plan, and inclusion of such an element is outside the scope of the current General Plan Update. However, General Plan policies call for the City to authorize preparation of a Master Drainage Plan for the entire planning area covered by the General plan when feasible. In the interim, the City will rely on the Storm Drainage Master Plan prepared for the City in 1981 by George S. Nolte and Associates, and on other studies developed by the City's Department of Public Works.

The matter of the quality of surface drainage water being received from the City by the Grasslands Water District and Central California Irrigation District has been discussed with the City's Director of Public Works. The Director has informed this author that the City has been monitoring drainage water quality for some time, and that reports have been made periodically to the Districts without adverse comment. The City's current policy on subdivision approvals has been to require on-site ponding where necessary and removal of constituents of urban drainage that possibly could have adverse effects on downstream users. In addition, it is the policy of the City to comply with all applicable rules and regulations of the State concerning water quality as administered and enforced by the Central Valley Regional Water Quality Control Board.

Comment: - Golf Course Site West of the San Luis Canal Superior to the Site Proposed East of the Canal.

The Department has expressed the opinion that a similar project design be applied to the most westerly golf course/residential proposal as has been conceived for the most easterly golf course/residential project, and that the western site would result in less impacts to waterfowl and the wetlands within the Grassland Water District.



Response:

Policies of the General Plan require that the design of both golf course/-residential projects be approached through the mechanism of a Specific Plan as prescribed by Sections 65450 - 65457 of the California Government Code, and that a separate EIR shall be prepared for each Specific Plan. As to project design, the Department reference is to the concentration of residential development with golf fairways located at the periphery of the easterly site as a buffer to adjacent agricultural lands and wetlands. This concept will be incorporated into both golf course projects to the extent feasible. General Plan policy is also clear in stating that the tests of environmental review will become the determining factors as to whether adoption of a Specific Plan for the most easterly site will occur.

The City has identified possible adverse impacts on waterfowl as a factor to be examined in the preparation of the Municipal golf course/residential Specific Plan and Specific Plan EIR. It is the policy of the City to fully mitigate potential impacts on fish and wildlife resources wherever feasible. An example of possible mitigation is provided by the City's current efforts to examine the feasibility of acquiring lands north and west of the golf course property and north and east of the City's sewer farm for wildlife management.

MERCED COUNTY LOCAL AGENCY FORMATION COMMISSION

[Note: LAFCO comments address matters pertaining to the General Plan as well as to the EIR. Only EIR-related comments are responded to below. General Plan comments have been considered in developing the final text of the General Plan as proposed for adoption by the City Planning Commission and City Council]

Comment: - Use of the General Plan EIR Re Subsequent Assessment

Use of the EIR should presume that subsequent environmental assessment during Plan implementation will occur as specific development projects are reviewed by the City.

Response:

This presumption is explicitly covered under the section of the Draft EIR entitled "USE OF THIS EIR" [See Draft EIR, Introduction and Summary]

Comment: - Mapping of Areas Designated as "Reserves"

LAFCO staff states that it would be helpful if the EIR mapped or illustrated areas designated for reserves.

Response:

This need has since been met by the designation of all "reserves" on the General Plan Diagram. A copy of the Diagram was inadvertently omitted in the distribution of the Draft EIR for public review.



Comment: - Route 152 Freeway as an Inducer of Growth Pressures

LAFCO staff has noted that freeway alignments often generate pressures for premature urban development on agricultural lands that are intended to be retained in agriculture by the General Plan. In addition, staff calls for a discussion of the basis of alleged environmental advantages of the Route 152 Bypass.

Response:

A discussion of the potential of the freeway alignment generating pressures for development has been added to Section B. 7. of the Revised Draft EIR entitled "Growth-Inducing Impact". A discussion of the environmental advantages of the Bypass alignment has been added to Part IV-B of the General Plan entitled "State Route 152 Bypass".

Comment: - Location of Wetlands within the Planning Area

LAFCO staff questions whether there might be wetland areas within or adjacent to the SUDP boundary other than the Los Banos Creek Riparian Corridor.

Response:

Other wetlands are located immediately north and east of the sewer farm adjacent to the northeastern boundary of the SUDP, and within and adjacent to the southeast corner of the SUDP boundary, as shown on Figure I-1 in the General Plan. Appropriate language has been added to Part IV-D entitled "Open Space for Natural and Human Resources".

Comment: - Remaining Capacity of Billy Wright Landfill

Will the Billy Wright landfill continue to have capacity to serve urban expansion, or will an additional site be necessary in the near future?

Response:

John Abernathy of the Merced County Department of Public Works has indicated that the capacity of the Billy Wright landfill is sufficient to meet the needs of Los Banos' urban expansion to 1995-96. The site also has the potential for expansion thereafter for about another 12 years.

Comment: - Infiltration of Groundwater and Stormwater into the Sewer System

How much infiltration of groundwater and stormwater into the sewer system occurs, and will corrective efforts affect land use policy?

Response:

Approximately 3% of the stormwater and 0% of the groundwater infiltrates sections of the sewage collection system. The City has gradually been correcting the problem by disconnecting catch basins as funds become available.



The need for additional correction is not of sufficient importance to have any serious bearing on land use policy.

Comment: - Water Distribution System and Fire Flow

Do areas exist where the City's water distribution system is not yet looped, or where fire flows are less than 1,500 gallons per minute?

Response:

All areas served by the City's water system are looped, and fire flows exceed 1,500 GPM in all developed areas. The standard being applied to newly developing areas is 2,000 GPM.

Comment: - Costs of Upgrading Water and Sewer Systems

What are the differential costs associated with upgrading water and sewer systems as between existing developed areas and newly developing areas?

Response:

The City imposes fees for meeting the capital costs of water and sewer facility requirements for newly developing areas. No fees are required for existing development.

Comment: - Conflicts with County Circulation Plan

Are there any roadways or streets proposed which are in conflict with the County's Circulation Plan?

Response:

There are no apparent conflicts. All County Arterial and Collector streets that have continuity within the existing and future urban area are included as part of the General Plan.

Comment: - References to Other Environmental Documents

LAFCO staff requests that referenced environmental documents be summarized as to the extent they may differ or depart from policies and proposals of the new General Plan.

Response:

A summary has been included as Appendix "C" to the General Plan document.

Comment: - Clarifying the Significance of Various Mitigation Measures

Staff requests that level of significance attached to various mitigation measures in their capability to reduce environmental impacts be noted, and that General Plan policies intended to serve as mitigation measures be identified.



Response:

The necessary clarification and identification has been provided in Section A of this Final EIR.

Comment: - Explanation of Methodology

Staff requests an explanation of where certain land uses may have been determined because of physical or service constraints.

Response:

Constraints to the ability of the City to provide sewer service is a characteristic of properties which have been designated with a "Reserve" status for residential, commercial or industrial uses located within the following areas:

1. All properties south and west of the line formed by Pacheco Boulevard and the Main Canal on the north and east and by the proposed Route 152 Freeway Bypass on the south and west.
2. All properties south of Pacheco Blvd. on the north, the Freeway Bypass on the east and south and the Main Canal and Center Street on the west.

MERCED COUNTY AIRPORT LAND USE COMMISSION

Comment: - Inconsistency With Airport Land Use Commission Plan

The letter from the Chairperson of the Airport Land Use Commission (ALUC) reports that the Commission made the following findings on September 23, 1988 concerning the proposed Los Banos General Plan: 1) that it is not in compliance with the ALUC Plan; and 2) that the proposal for a combination community park/Low Density Residential within the Airport Approach Zone violates the ALUC Plan policy that any residential development allowing for more than one unit per acre is incompatible with airport safety.

In a companion letter to the City concerning the Draft EIR for the K & K Eagle annexation and rezoning, ALUC staff indicates that the 1985 ALUC Plan Update (which was followed by the City in preparing the Los Banos General plan) was never adopted by the ALUC, and that the policies of the 1978 ALUC Plan remain valid. Thus, the apparent flexibility of the 1985 Update does not apply as assumed by the City.

Response:

Utilizing the 1978 ALUC policy rather than the 1985 Update does in fact support the findings of incompatibility made by the Airport Land Use Commission. The City was totally unaware that the 1985 Update of the ALUC Plan had never been adopted. The Update introduced some flexibility and even uncertainty as to how literal the policies were to be applied to properties within Airport Approach Zones. By contrast, the 1978 ALUC Plan is firm in holding to a policy of one residential unit per acre within the Approach Zone.



Notwithstanding the policies of the 1978 ALUC Plan, the Los Banos Planning Commission and City Council need to assess the relative merits of the proposed General Plan policy that a 19.5 acre community park be provided within the first 3,000 feet of Airport Approach Zone area extending southeast of the airport runway, as compared to one acre density in this area. It can be argued fairly that encouraging a one acre density for the entire 3,000 foot length of Approach Zone that is now proposed for Community Park is far more hazardous to airport safety. As now proposed, some encroachment of Low Density residential would be allowed in the last 1,000 feet along either side of a 200' wide corridor of park area. The options are well documented in the Draft EIR and are commended to the City for full discussion of the issues involved prior to taking action to approve the General Plan. An action to approve as now proposed would require a Statement of Overriding Considerations with respect to the policy conflict with the ALUC Plan.

IRISH'S DRAFTING SERVICE (Representing Walter and Keiko Neal)

[Note: All comments concern the interests of Irish's clients in the 80 acre K & K Eagle parcel that has been proposed by the General Plan for residential and community park development southeast of the airport within and adjacent to the Airport Approach Zone.]

Comment: - Extent of Airport Approach Protection is a Policy Matter

Mr. Irish's letter questions whether more than 7.3 acres need be set aside for park development directly under the line of the extended runway within the Airport Approach Zone. He concludes that the extent of protection required within the Approach zone is a policy matter, and that the 19.5 acres proposed is excessive. He further concludes that participation of the property in the Southeast Sewer Improvement Project would require a reduction in the sewer participation fee. Since the entire 80 acres is pledged to participation in this sewer project, the fees not reasonably attributable to the property owners for a major part of the 19.5 acres required for park purposes would have to be met by some other party.

Response:

The General Plan and EIR make a strong case for the 19.5 acre alternative in light of existing policies of the Federal Aviation Administration, the State Division of Aeronautics and the Merced County Airport Land Use Commission. Any significant reduction from the 19.5 acre park alternative could place the City in a position of serious jeopardy with respect to possible future liability in the event of a future aircraft crash within a residential area allowed closer to the end of the runway and in line with the extended center-line of the runway. The 19.5 acre alternative as shown on the General Plan Diagram and in the Draft EIR is as a more responsible approach to assuring aircraft and residential safety than is the policy of one dwelling unit per acre called for by the 1978 Airport Land Use Commission Plan (see response to comment by the Airport Land Use Commission, above).

As to the burden of having to repay the pro rata share of the sewer project for parkland, it should be noted that considerable acreage is available in the immediate vicinity and along South Mercey Springs Road which could be



substituted for sewer project participation. Based on Mr. Irish's calculations that the K & K Eagle and adjoining properties in Los Banos Gardens additions will only generate a combined demand for 7.3 acres of park under the City's recreation impact ordinance, only about 12.2 acres would have to be included in the sewer project boundaries at some other nearby location to off-set the financial burden to the Neals. It should be noted that the Southeast Sewer Improvement Project is being constructed under a private agreement by the participating landowners which does not directly involve the City as a party to the agreement. It is also to be noted that uncertainty of the final effects of airport land use and safety policies was known by all parties concerned prior to authorization of the K & K Eagle EIR by the City.

GRASSLANDS WATER DISTRICT (Correspondence from Alexander T. Henson)

NOP Comment: - Limitations to Initial Study

Several exceptions are taken with respect to conclusions of "no impact" provided under 10 items in the environmental checklist and DISCUSSION OF ENVIRONMENTAL EVALUATION included as Appendix "A" to the Draft Environmental Impact Report.

Response:

All of the cited exceptions would logically pertain to a Specific Plan EIR for the proposed municipal golf course/residential project proposed east of the San Luis Canal and north of State Route 152, rather than to the General Plan EIR. The General Plan calls for the preparation of a Specific Plan and separate EIR for this proposed project prior to any specific action by the City authorizing the project to proceed. In Part A of this Final EIR, a list of impact topics relating to biological resources has been provided for study as part of the Specific Plan EIR. Until the Specific Plan and EIR have been prepared for public review and comment, Mr. Hensen's comments on the adequacy of the Initial Study become premature.

As a mere technicality, it is noted that the General Plan Initial Study does in fact respond affirmatively or nearly so (where a "yes" or "maybe" is indicated) for Items 5(c), 7, 13(a), 17(b) and 21(c) of the Environmental Checklist included with Appendix "A", even though these Items were not intended to be responsive to the details of a golf course/residential project which has yet to be made the subject of a Specific Plan and separate EIR.

NOP Comment: - Extent of EIR Discussion Required for the Proposed Municipal Golf Course/Residential Project Proposed East of the San Luis Canal

The heart of the Grasslands Water District's position is that since the General Plan is the first step in authorizing the golf course project referred to above, "...the environmental impacts thereof must be addressed now albeit only to the level of detail appropriate to a general plan amendment."

Response:

This position is correct on its face but faulty in its application. The General Plan EIR addresses cumulative impacts of the golf course project



which combine with others to generate community-wide impacts, such as impacts on transportation, air quality, and public facilities, and alternatives and growth-inducing impacts. The language of the Plan is clear in requiring that the proposal must stand the test of Specific Plan and environmental review, and that there are no guarantees that the land use proposals will finally be acceptable to the City. Again, it is important to note the list of impacts provided in Part A that are to be studied as part of the Specific Plan EIR.

The General Plan EIR is a Tiered EIR as described in CEQA Guidelines Section 15152. A thorough description of the appropriate use of a "tiered EIR" is provided by the 1988 Edition, Guide to the California Environmental Quality Act (CEQA) by Duggan, Moose and Thomas. The reader is directed to the discussion of the Tiered EIR on pp. 262-265 of the 1988 Edition. In summary, the following points covered in the 1988 Edition have relevance to this response:

1. That tiering can be employed by a Lead Agency when a series of EIR's on related projects are contemplated.
2. That the first EIRs in such a series are broad and general such as an EIR for the proposed adoption of a General Plan, covering broad environmental issues affecting a large physical or geographic area.
3. That later EIRs will be narrower in scope, such as the adoption of a Specific Plan, and may even be site-specific.
4. That tiering is appropriate where a subsequent EIR or a supplement to an EIR prepared at an early stage will be prepared at a later stage. In such cases, tiering helps "to focus on issues which are ripe for decision and exclude from consideration issues ... not yet ripe." [CEQA Guidelines, Section 15385, subd. (b).]

Given the language of the General Plan and its EIR concerning the municipal golf course/residential project proposal, there can be no implication claimed that the land use proposals involved will enjoy the same status as all other land use proposals of the General Plan upon Plan adoption. To the contrary, the requirement for a Specific Plan and separate EIR sets this potential future project aside from all other proposals. This position even holds true when compared to the other private golf course/residential project which is proposed on land immediately west of the San Luis Canal and within the Specific Urban Development Boundary of the City.

The decision to subject the municipal golf course/residential project to the requirements of a Specific Plan and separate EIR resulted from recommendations provided to the City by regional representatives of the State Department of Fish and Game, at a meeting of all interested parties held at the offices of the City's Recreation Department on May 12, 1988. Department representatives had first presented their views at an earlier meeting in March, 1988, including a strong case for covering long-term cumulative and growth-inducing aspects of the project at the level of the General Plan EIR. The meeting of May 12th involved a broader representation of interests, including a representative of the Grasslands Water District. There was a consensus of participants (without any expressed dissent) that the Specific Plan and separate EIR vehicle was the appropriate approach to follow.



Comment: - Affect of the General Plan on Public Services

Mr. Henson raises questions concerning how "undue strain" and "adequate" levels of service are defined for police and fire response time, frequency of police patrol, water supply capacity, sewage disposal capacity and school facilities. Are public facilities going to be determined based on a majority vote of the City Council, or will standards be spelled out? If standards are not identified, then upon what basis does the Draft EIR conclude that there will not be any adverse cumulative environmental impacts?

Response:

These questions pertain to the paragraph in the Draft EIR which states that public services will not be adversely affected due to the policy that development is to be phased in a manner "... which will not place undue strain on the ability of local government to provide adequate levels of public service." This statement is found under the topic entitled "CUMULATIVE IMPACTS ON PUBLIC SERVICES" of the Draft EIR. The answers are found in the continuing sentences of the same paragraph which identify the continuing environmental assessment process as the key stage "... to assure that each project (i.e., separate development proposal) can be sustained. The adequacy of levels of proposed service will be determined by separate environmental assessment and based on analyses and recommendations of the department heads of the affected line agencies of local government, including the standards of service which prevail at that time. It is to be noted that questions of serviceability are important to the process of review conducted by LAFCO in considering a request by the City for annexation.

The Draft EIR goes further to the point by indicating that the City's ability to manage growth will depend heavily on its Comprehensive Annexation Plan and its Financial Plan and Capital Improvement Program to provide necessary foresight on the timing when additional service capability and public improvements will be required. Mr Henson suggests that the Financial Plan would be a vehicle for ad hoc decisions by a City Council majority as compared to using objective standards. The reader is directed to the Financial Planning process which is described quite thoroughly in Part V of the General Plan document. In summary, it involves three components: 1) the capital improvements program; 2) the public services program; and 3) the revenue program. The Financial Plan becomes a critical tool of the City Council and its management staff in managing efficiently the affairs of the City. The discipline and complexity involved in preparing such a Plan, and in meeting the requirement that the Annual Budget is subject to public review and adoption after public hearing precludes the making of policy decisions on an ad hoc basis.

Comment: - Failure to Specifically Identify the Cumulative Effects of Commercial and Industrial Development

Mr. Henson claims that the General plan is inconsistent and in violation of the Government Code in that it does not set forth any policies defining population density and building intensity for commercially or industrially designated lands. He points to the "no limitation" stated in



Table IV-2 (page IV-A-18) of the General Plan for support of his view. He questions further how such factors as storm water runoff, sewer line sizing and levels of traffic service can be determined without such standards.

Response:

Mr. Hensen's comments relate to the Camp decision [Camp v. County of Mendocino (1981) 123 Cal.App. 3d 334], and the landmark case of Twain Harte Homeowners Association v. Tuolumne County. The Camp decision established that a General Plan must contain standards for population density and building intensity. The Twain Harte decision provides the interpretation of building intensity.

It is a correct view in light of these decisions that: 1) the local General Plan must contain quantifiable standards of building intensity for each land use designation which define the most intensive use that would be allowed under each designation; 2) building intensity is not synonymous with population density; and, 3) intensity may be based on a combination of variables such as use limitations, maximum dwelling units per acre, height and coverage limitations, yard spaces, off-street parking and landscaping requirements, and other variables which constrain the development of any particular site for a particular category of use. It is also a correct view that Mr. Henson's comments do not reflect an understanding of the standards provided in Table IV-2 of the General Plan, the extensive footnotes that qualify the designation of "no limitation" for specific use categories, or of the ways in which the standards of the Zoning Ordinance work in conjunction with land use policies of the General Plan.

In the interests of better understanding, Table IV-2 has been revised to provide quantifiable standards for each use category which serve as the maximum extent of building intensity that may be permitted under most circumstances. Exceptions that may occur but which would not substantially alter the standards would be developments approved under Planned Development provisions of the Zoning Ordinance.

As to determining the various quantitative measurements of various characteristics of urban activity encouraged by the General plan, such as surface water runoff, utility pipe sizing, and traffic generation, such measurements are made at different times, depending on the measurement of concern. For air quality and traffic analysis, the gross impacts of urban development for the long-term are estimated as part of the General plan. For utilities, they are determined at the time of preparing various types of master plans (e.g., water, sewer and drainage master plans). For all specific projects, they are evaluated at the time of development regulation review (e.g., at the time of processing permits for subdivision maps, parcel maps, zone change applications, site plan reviews, planned developments and similar permits), including evaluations performed as part of project environmental assessments.

Comment: - Concern for Lack of Analysis of Non-Urban Resources

The Draft EIR does not address impacts of city expansion on such non-urban resources as wildlife, adjacent agricultural uses, off-site drainage, mosquito abatement and other non-urban issues are all left for



another time, after the General Plan is amended to accommodate such expansion. The City is proposing to amend its General Plan "... to allow a major leapfrog development into an area bounded by duck clubs and other agricultural uses without examining the environmental impacts of the golf course/residential/commercial use on those neighboring lands. To say that additional approvals will not be granted pending preparation of a project specific EIR is not sufficient where project impacts can be clearly identified now.

Response:

In addition to previous response concerning the concept of a "tiered EIR", and the extent of EIR discussion required for the golf course project (including the list of potential biological resources impacts provided in Part A), it is important to note the history and current status of the project to which Mr. Henson refers as additional support for not providing a detailed examination of the projects potential adverse environmental impacts at this time.

The golf course/residential project was proposed originally as a General Plan amendment (and EIR) separate from the General Plan Update which has been underway for nearly two years. The Initial Study prepared by the City for the project did not call for an extensive analysis of resource factors affecting agricultural lands, duck clubs and wetlands in the vicinity. This omission was based on the assumption that general agreement could be reached with the Grasslands Water District and other affected parties in seeking project approval by the City. Upon publication and review of the project Draft EIR in the winter of 1987-88, it soon became apparent that the earlier assumption of cooperation would not be adequate for the task. Considerable written criticism of the Draft EIR and the project as conceived at the close of the public review period on the Draft EIR from State and Federal agencies and the Grasslands Water District resulted in a moratorium on further EIR work pending discussion with the parties concerned. Several discussions occurred during the spring of 1988, culminating in decisions to discuss the project's community-wide characteristics of impact at the level of the General Plan EIR, to require a Specific Plan and separate EIR for the project, and to draw upon the extensive experience of the State Department of Fish and Game and of the Federal Wildlife Service in developing the detailed work program required to adequately prepare a project EIR based on a Specific Plan.

Comment: - Proposal to Limit any Further Expansion of Urban Use Around the Golf Course Project

Since the proposed golf course project has such municipal benefits as to warrant such leap frog development, upon what basis can it be said that another landowner cannot and will not present an equally appealing municipal benefit as to warrant another relaxation of the proposed prohibition on agricultural land preservation?

Response:

This comment questions the ability of the City and County to uphold the policies of the General Plan (Policy Nos. 2 and 3 under the subtitle Open Space



for Managed Resource Production). These policies call for retaining lands surrounding the project site in agricultural use into perpetuity, to continue protection of such lands by the County and LAFCO through continued agricultural and wetlands zoning, and by the denial of further requests for annexation of lands surrounding the golf course/residential project site. Short of public acquisition of the lands in question to assure open space preservation, there can be no absolute guarantee that the County and LAFCO will protect such lands into perpetuity, or that the City may not seek some other change in land use policy that may offer substantial municipal benefit. The level of protection provided by these policies is not unlike that afforded by a myriad of policies and programs of government at all levels that are determined, and occasionally modified, through the political process. The approach most likely to succeed would be public acquisition and/or inclusion of the surrounding acreage in a wildfowl management preserve. This would involve selective public acquisition of land for public recreation compatible with wetlands, including wildfowl hunting, and acquisition of development rights to other acreage to assure continued agricultural and wetlands use. These approaches are now being investigated by the City, and will be made the subject of analysis in the Specific Plan and EIR that will be required for the proposed project.

In concluding this response, it is noted that applicable provisions of CEQA and the California Government Code do not require evaluation of each and every possibility that could occur in the future in preparing a General plan and a General Plan EIR. To the extent that the City may in the future want to amend the General plan, such amendment is considered as a separate action requiring separate environmental analysis. The certification of any future EIR or other form of environmental assessment, or the adoption of any Plan amendment can occur only by following the same procedures as required for such certification and adoption in the first instance (and as may be amended).

Comment: - Use of General Plan EIR to Avoid EIR's for Development Projects

The commentor claims that it is inaccurate to suggest that the General Plan EIR is to be used as a vehicle to avoid development projects which are consistent with the General Plan by using the Negative Declaration process. It is further stated that projects can be approved by negative declaration only where the project as proposed will have no adverse environmental impact.

Response:

Reference to the limited use of the Negative Declaration process to projects where no adverse environmental effects will be involved is correct. However, the commentor has taken the reference to avoiding EIR's for development projects wholly out of the context of the entire section where this subject is discussed entitled "USE OF THIS EIR" within the Introduction to the Draft EIR. This entire section makes it quite clear that further use of various types of EIR's may be required where the discussion of adverse impacts in the General Plan EIR is not adequate for a given development project, even when that project is otherwise consistent with the General Plan.



Comment: - Request for Golf Course Project Deletion from the General Plan

Based on all previous comments, the commentor requests that the City delete any reference to the golf course/residential project, or alternatively provide an adequate analysis of all of the environmental impacts set forth in previous letters by the commentor on the subject.

Response:

The contents of this Final EIR indicate that the City has chosen to identify and respond to all comments received by the conclusion of the 45 day period of public review on the Draft EIR, in accordance with CEQA Guidelines. All responses to comments and requests made in writing by Mr. Henson in behalf of the Grasslands Water District are included in this Final EIR.

SECTION C - REVISED DRAFT ENVIRONMENTAL IMPACT REPORT

1. INTRODUCTION AND SUMMARY

INTRODUCTION

Section 15166 of the California Environmental Quality Act (CEQA) Guidelines permit the EIR on a General Plan to be incorporated as part of the General Plan document if: 1) the General Plan addresses all the points required to be in an EIR, and 2) the document contains a special section which identifies where the General Plan addresses each of the points required. This part of the General Plan document (Part VI) is intended to meet these conditions since much of the document's contents already addresses CEQA requirements for an EIR.

CEQA requires that mitigation measures contained in an EIR certified by the City Council must be systematically applied as a project which is the subject of an EIR is carried out. In this case, the "project" is the General Plan, which describes the Plan's goals and the policies and proposals to be implemented over various periods of time. Thus, an important objective of Part VI is to provide decision-makers with a ready reference to those measures which will have relevance to future proposals for General Plan amendment and to programs devised to implement the Plan.

The format which follows is similar to that which has been used by the City in processing other EIR's and as required by CEQA Guidelines. Reference is made to specific parts and sections of the Plan document where appropriate. Additional discussion is also provided where it is necessary to supplement environmental information provided in other parts of the General Plan document.

AN ESSENTIAL PERSPECTIVE

This EIR takes into consideration the fact that policies and proposals of the previous General Plan as contained in Plan amendments adopted in recent years have already stood the test of environmental analysis. To the extent that such policies and proposals remain essentially unchanged, further analysis is



not required except as covered under the topic of long-term cumulative impacts. This includes environmental analyses prepared for the following projects:

1. Orosco Community Commercial shopping center at the southwest corner of Mercey Springs Road and Pacheco Blvd., plus the addition at the southeast corner.
2. The Talbott-Cardoza annexation and prezoning along San Luis St.
3. Los Banos Gardens #'s 2 and 4 along West "I" Street, south of Pacheco Blvd. and east of Ortigalita Road.
4. Ranchwood Estates, north of Overland Avenue and east of North St.
5. Westside Properties, north of Pioneer Road and west of the Main Canal.
6. Triple M Cattle Co. annexation, east of Mercey Springs Road and north of Pioneer Road.
7. Zabala annexation, along Willmott Road.
8. Los Banos Municipal Airport Master Plan.

By its very nature, the General Plan seeks to enhance the quality of the environment while accommodating additional population and urban expansion. However, there are certain potential impacts identified in the attached Initial Study which require further evaluation in this EIR. They include impacts on agricultural lands, impacts on biological resources associated with wetlands north and east of the community, increased traffic, impacts on air quality, and long-term cumulative and growth-inducing impacts of a golf/residential/commercial recreation complex east of the Old Santa Fe Railroad Grade Road and the east City Limits.

#### EXECUTIVE SUMMARY

The General Plan provides for an expansion of the urban area and related infrastructure to meet the needs of a population in the range of 26,000 to 31,000 by the year 2010. Key policies and proposals which will serve as important mitigation measures are described for each of the Plan Elements in Part IV of this document. The more important of these have been summarized in Section A of the Final EIR and are not repeated here in the interests of brevity.

#### USE OF THIS EIR

It is the intent of the City that this EIR be used: 1) as a basis for developing a Comprehensive Annexation Plan for all annexations required to meet the needs of urbanization over the next 12-15 years; and 2) as a basis for judging all specific development projects that may be proposed consistent with policies and proposals of the General Plan and mitigation measures of



this EIR. CEQA provides for a variety of EIR's which are tailored to different situations, and which are described in Article 11 of CEQA Guidelines. They include:

- A. A Project EIR which examines the environmental impacts of a specific development project such as a residential subdivision or shopping center, including planning, design, construction and operation.
- B. A Staged EIR covering large capital projects which may not be undertaken for several years. Examples would be the gradual improvement of an Arterial street or of the Central Business District.
- C. A Program EIR covering a series of actions required over time that can be characterized as one large project.
- D. A Tiered EIR where the General Plan EIR becomes the first in a series of EIR's which are prepared for separate but related projects. EIR's prepared under the tiering concept after the General Plan EIR, such as for Specific Plans, zone changes and development project proposals, can eliminate repetitive discussions of the same issues and focus on those issues which are "ripe for decision" at each level of environmental review.

It is the further intent of the City that this General Plan EIR be used as the vehicle necessary to avoid requiring the preparation of EIR's for development projects and programs which are consistent with the General Plan by using the Negative Declaration process, and where the General Plan EIR is adequate for the purpose. Exceptions would occur if a project or program would result in any of the following conditions which might require a Subsequent EIR, an Addendum to an EIR or a Supplemental EIR as defined by CEQA Guidelines:

1. Subsequent changes are proposed to the original project (in this case the General Plan) which will result in new impacts not previously assessed. An example would be a General Plan amendment providing for the relocation of the municipal airport. Another example would be where a future project envisioned by the General Plan as having potential involves new impacts not previously assessed.
2. Subsequent changes are proposed by a new project which require important revisions in the previous EIR due to the involvement of new significant environmental impacts not previously covered, or new information of substantial importance becomes available.
3. An Addendum is needed to cover only minor technical changes or additions which do not raise important new issues about the significant effects on the environment.
4. A Supplement to an EIR is needed rather than a Subsequent EIR if any of the conditions prescribed for the preparation of a Subsequent EIR are present, but where only minor additions or changes are necessary to make the previous EIR adequately apply to the project under the changed situation.



An Addendum or Supplemental EIR may be useful for General Plan amendments sponsored by the City as compared to projects proposed by the private sector.

Use of the Negative Declaration process for a project or program consistent with the General Plan does not eliminate the need for further environmental evaluation to justify a finding for a Negative Declaration. Through the Initial Study process required by CEQA, individual project impacts can be evaluated to determine whether project proposals should be changed to avoid specific adverse impacts. An example would be to require off-site street or intersection improvements where project-related traffic will have an identifiable off-site impact on the Arterial street system. The City has used this approach on several occasions by calling for the preparation of an Expanded Initial Study with mitigation measures being accepted by the project sponsor as if originally included as part of the project. This approach is also useful where it can be concluded fairly that the preparation of an EIR would not generate any further information than that provided by an Expanded Initial Study.

This EIR is also intended to be used by the following local public agencies having jurisdiction within the area covered by the General Plan:

1. The Los Banos Unified School District.
2. The Merced County Local Agency Formation Commission.
3. The Merced County Planning Department.
4. The Merced County Association of Governments.
5. The Central California Irrigation District.
6. The Merced County Airport Land Use Commission.

## 2. PROJECT DESCRIPTION

The "project" is fully described in Parts I-IV, inclusive. No further description is required except that the General Plan document has been prepared pursuant to the revisions of the State Planning Law which became effective on January 1, 1985, as amended.

## 3. ENVIRONMENTAL SETTING

The environmental setting is described in Part II of this document. No further description is required, however supplementary description is provided for certain topics covered in Section 4, below.

## 4. ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES INCLUDING IMPACTS WHICH CANNOT BE AVOIDED

### SIGNIFICANT POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT

Since the General Plan essentially is a program document, setting forth goals, objectives, policies, standards and proposals to guide future development, the Plan will not have any direct effect on the environment upon adoption. However, the Plan will have a number of secondary effects resulting in the development of vacant and agricultural lands within the Specific Urban



Development Plan boundary and the rehabilitation of existing land through many public and private projects.

This section of the EIR describes potential secondary effects and provides appropriate mitigation measures which are reinforcing of measures previously identified in Part IV, or which supplement those measures. The format for discussion follows that provided in the Environmental Checklist for Initial Study which is attached as Appendix "A". The subsections entitled "setting" to some extent are summaries of data provided in Part II, or provide additional information on existing conditions.

#### IMPACT ON AIR QUALITY

##### Setting

Merced County continues to be a non-attainment area for particulate matter. However, midday visibility is substantially better in the Los Banos area than it is along the Highway 99 corridor extending along the east-central part of the San Joaquin Valley from Stockton to Bakersfield. This corridor includes the major cities of Manteca, Modesto, Turlock, Merced, Madera, Fresno, Visalia-Hanford, Tulare and Delano. Vehicle traffic along Interstate 5 and agricultural activity along the West Side of the Valley contribute to total particulate matter and reduction in visibility. However, westerly winds from Pacheco Pass west of Los Banos and from Altamont Pass west of Tracy have a flushing effect on adverse conditions of air quality along the West Side even when those winds contribute to the inter-regional transfer of air pollutants from the San Francisco Bay Area and Santa Clara Valley into the San Joaquin Valley.

The Los Banos area also continues to be a non-attainment area for Ozone, along with all other counties of the San Joaquin Valley. As in the case of particulate matter, the greatest concentrations occur along the Highway 99 corridor, increasing from the northwest to the southeast, and from the West Side to the Sierra foothills.

##### Impacts

The most significant impacts on air quality that can be expected as the result of urban expansion under policies of the General Plan will be those generated by vehicle traffic along the Route 152 corridor and the City street system, contributing Carbon Monoxide (CO), Hydrocarbons (HC) and Nitrous Oxides ( $\text{NO}_x$ ). The major single contributor will be Route 152, with greatly increased regional and inter-regional truck and auto traffic over that currently being experienced.

Total vehicle emissions are the product of all criteria pollutants from motor vehicle trips generated by new development under the General Plan. Calculations include estimates of average trip length, trip generation rates, emissions per mile based on speed and year of concern, plus a correctional factor for cold and hot engine starts. At full development under the General Plan at the practical level of population holding capacity of 31,000, including 50% development of industrial and commercial lands, approximately 115,000 additional vehicle trips will be generated per day. This does not include



additional regional through traffic along Routes 152 and 165 which will increase regardless of Los Banos growth. This volume of traffic can be expected to involve the estimated tons of emissions from criteria pollutants as shown in Table VI-1.

TABLE VI-1  
ADDITIONAL EMISSIONS FROM PROJECTED TRAFFIC

<u>Pollutant</u>	<u>Tons / Day</u>	<u>Tons / Year</u>
Carbon Monoxide (CO)	11.88	4,388
Reactive Organics	1.43	522
Nitrogen Oxides (NO <sub>x</sub> )	0.55	202
Sulfur Dioxide (SO <sub>2</sub> )	0.05	20
Particulates	0.75	274

This tonnage can be expected to add to an already serious problem in middle and southern reaches of the San Joaquin Valley, and is large enough to be considered as having a measurable effect on regional air quality. This effect will be significant. Overall effects will be reduced somewhat by the extent to which control equipment on mobile sources improves, and the extent to which traffic movement is facilitated by the avoidance of congestion resulting from street improvements, construction of the Route 152 Bypass, and the addition of local jobs to minimize commuting to other areas and regions by local residents. However, the commuting factor is expected to be an overall major negative factor, with a far greater number of vehicle miles traveled being added as the result of commuting to employment centers in Santa Clara, San Benito and Monterey Counties.

The two most heavily traveled intersections are expected to be the Pacheco/Mercey Springs and Pacheco/West "I" Street intersections. Either with or without construction of the Route 152 By-pass, future violations of CO standards at these intersections are not expected provided that mitigation measures to increase roadway capacity are applied as recommended in Part IV-B of this report. This effect will be less than significant.

#### Mitigation Measures

Mitigation measures which are designed to enhance air quality through improvements to traffic capacity and reduction of traffic congestion are described in Part IV-B of this report. They include construction of a Route 152 freeway bypass, arterial street improvement, intersection widening and signalization, the provision of left-hand turn lanes at important intersections and reducing the number of minor street intersections along important Arterial streets. Other mitigation measures are described in Part IV-D, concerning the need for industrial performance standards and industrial process review and control of dust particles during construction activities.



Merced County has developed strategies and programs for reducing air quality impacts from stationary sources, and mobile sources (vehicles) are subject to state and federal controls for reducing emissions. However, the inter-regional transfer of pollutants from the San Francisco Bay Area, and the intra-regional transfer of pollutants from northerly parts of the San Joaquin Valley make it impossible for the County to meet state and federal standards of ozone and particulate control.

As noted in Part II, the Los Banos area fares quite well as compared to the eastern urban corridor along Highway 99 and other parts of the San Joaquin Valley. As compared to these areas, the contribution of air pollution envisioned by urban expansion under the Los Banos General Plan will be minor. However, pollutants generated in the Los Banos area will contribute to the cumulative problems experienced in areas to the east and southeast, extending to Bakersfield and the Tehachapi Mountains. In this context, they cannot be considered as being unimportant even though the contributions from the Los Banos area will be small.

The following additional measure is recommended when interregional commuting by local residents becomes more common:

1. Encourage ride sharing, van pools and bus transit in the journey-to-work among those who will be commuting to employment centers west of Pacheco Pass.

#### **IMPACT OF SURFACE WATER DRAINAGE ON WATER QUALITY**

##### Setting and Impacts

In recent years, the collection and pumping of surface water drainage from streets into reaches of the Central California Irrigation District's Main Canal and into the distribution system of the Grasslands Water District has begun to generate concern by the Districts that the quality of water provided to downstream agricultural and wetland users is being degraded by the mix of petroleum-based oils, grease and chemicals which drain from paved streets and yard areas of residential, commercial and industrial uses. These constituents of surface water drainage are picked up from paved surfaces during rainfalls and from excessive use of water for landscape irrigation and washing operations. The effects on downstream users are considered potentially significant.

##### Mitigation Measures

2. For those properties which are to be drained by systems of gutter flows to catch basins and pipelines of adequate size for disposal to the CCID Main Canal or to canals of the Grasslands Water District, monitoring, ponding and removal of potentially degrading constituents of drainage water will be required as a condition of the development review and approval process.
3. The costs of continual maintenance of ponds and monitoring and other equipment should be assessed to those property owners who benefit.



## **IMPACTS ON AGRICULTURAL LAND**

### **Setting and Impacts**

In order to accommodate the level of urban expansion depicted on the General Plan Diagram, it will be necessary to convert existing agricultural land to urban use. As noted in Part II, virtually all of the affected agricultural lands are rated as either Class I or II by the Soil Conservation Service of the U.S. Department of Agriculture, involving some 2,000+ gross acres of land. This impact is considered to be significant.

In addition, a special problem of potential impact on agricultural and wetlands is posed by the proposal for a golf course/residential/commercial recreation complex on 548 acres east of the current City limits along the north side of Route 152 and southeast of the City's sewage effluent disposal ponds. This potential impact is considered to be significant.

### **Mitigation Measures**

All of the agricultural land conversion required to accommodate urban expansion, other than that required for the golf course complex, has been included within the Specific Urban Development Plan (S.U.D.P.) boundaries since they were first established by LAFCO. Since there are no options to expand on non-agricultural land, the conversion of agricultural land is an adverse impact that cannot be avoided unless all further urban expansion was prohibited.

Mitigation measures to minimize this impact are provided in Part IV-A. They include the policy on phased development, involving the designation of lands to be held in "reserve" for future urbanization, and the redesignation of nearly 1,000 acres designated for urban use by the previous General Plan from urban to agricultural use. These policies combine to avoid further fracturing or fragmentation of the urban pattern, provide for the gradual outward conversion of agricultural lands, and assure a rational, economically feasible and efficient pattern of urban services.

Much of the mitigation required for the impacts of the proposed golf course/-residential/commercial recreation complex is as yet unknown because of the need for a Specific Plan and separately prepared EIR that will address all of the impacts. Some potential mitigation measures have been identified in Part IV-D, including retaining lands surrounding the complex in agricultural use into perpetuity, continued agricultural and wetlands zoning of surrounding lands by the County of Merced, enhancement of the potential for wildlife management within the project boundaries, and a project design which will avoid serious conflicts with the agricultural, wetland and wildfowl hunting activities now conducted on various parcels in the vicinity. Once the Specific Plan EIR has been prepared, additional mitigation measures needed to carry out these policies may be required. Important areas of consideration include the fee purchase of lands surrounding the project site by the City for wildfowl hunting and other appropriate recreation use compatible with wetlands, and the purchase of a conservation easement over agricultural lands immediately adjacent to the proposed complex to be held into perpetuity by the U.S. Fish & Wildlife Service as part of its broader wildlife management program within the wetland areas of the subregion.



## CULTURAL RESOURCES

This topic is covered in the discussion of archaeological and cultural resources in Part II. No other archaeological or cultural resources of significance are known at this time except those located within the City's sewerage farm property northeast of the City. Any evidence of cultural resources that might be unearthed in the process of construction becomes immediate grounds for halting all construction until the extent and significance of any find is properly catalogued and evaluated by archaeological and cultural resource authorities recognized as having competence by the State of California.

### 5. ALTERNATIVES TO THE PROPOSED ACTION

CEQA requires that alternatives should be discussed in the context of what is reasonable and feasible, that reasons for their rejection by the project sponsor be explained, that the alternative of "no project" be described, that additional significant effects (if any) be described, and that discussion focus on alternatives capable of eliminating or reducing any significant adverse physical environmental effects to a level of insignificance. More specifically, Section 15126 (d) sets forth the following requirements in describing alternatives to the proposed action:

"(d) Alternatives to the Proposed Action. Describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and evaluate the comparative merits of the alternatives.

(1) If there is a specific proposed project or a preferred alternative, explain why the other alternatives were rejected in favor of the proposal if they were considered in developing the proposal.

(2) The specific alternative of "no project" shall also be evaluated along with the impact. If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the alternatives.

(3) The discussion of alternatives shall focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

(4) If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed but in less detail than the significant effects of the project as proposed. [County of Inyo v. City of Los Angeles, 124 Cal. App. 3d 1.]



(5) The range of alternatives required in an EIR is governed by the "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The key issue is whether the selection and discussion of alternatives fosters informed decision-making and informed public participation. An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative. [Residents Ad Hoc Stadium Committee v. Board of Trustees, (1979) 89 Cal. App. 3d 274.]"

#### THE ALTERNATIVE OF NO PROJECT

This alternative is not feasible because the preparation, adoption and maintenance of a General Plan is mandated by provisions of the California Government Code. Failure by any city or county to meet these requirements is considered grounds for serious sanction by the State, including calling a halt to all development review and approval activities by the City until the plan is prepared and/or updated in accordance with State Law.

#### THE ALTERNATIVE OF MAINTAINING POLICIES AND PROPOSALS OF THE LOS BANOS 1964 GENERAL PLAN, AS AMENDED.

The 1964 General Plan, as amended, is deficient in several ways with respect to current requirements of State Law, and especially in terms of the lack of internal consistency among Plan elements. Deficiencies also exist with respect to the kinds of policies and proposals which are necessary to provide a proper guide to the future physical development of the community.

Policies of the 1964 General Plan (as amended) provided for a level of population growth and urban expansion significantly in excess of that which was needed by 1984 and which will be needed by the year 2010. Proposals of the Land Use Element were especially excessive in this regard, calling for the urbanization of considerably more acres than that provided by the updated General Plan. This excessiveness in land use policy has encouraged speculation in the value of agricultural land that may eventually have potential for urban use, and has contributed to some lands being bypassed by residential subdivision activity and a consequent fragmentation of the urban pattern.

A major deficiency of the 1964 Plan was inadequate breadth and depth in the description of those Plan Elements which were required by State Law at that time.

#### THE ALTERNATIVE OF FURTHER REDUCING THE AREA NEEDED FOR URBAN EXPANSION

The potential for activating this alternative is already built into policies and proposals of the General Plan through the policy designating lands to be held in "reserve" for eventual urban use sometime after the year 2000. If population and employment growth occurs at a much lower rate than anticipated by the Plan, the non-reserve areas are still capable of accommodating an added population of 12,500 which is nearly double the current population of the City.



One specific alternative for reducing the area needed for urban expansion is to eliminate the proposed 548 acre complex proposed for golf course and related residential and commercial recreation use east of the City's current S.U.D.P. boundary along the north side of Route 152. This would probably lower the sights of the Plan in terms of practical population holding capacity by about 1,500 people. This reduction in area and population would be less significant than would be the loss of a municipal golf course for the community, unless a course is provided at a different location. And, this reduction would be less significant than would be the removal of the potential for pressures to convert other agricultural lands in the vicinity of the proposed golf course to urban use [see further discussion below].

#### THE ALTERNATIVE OF RELOCATING THE GOLF COURSE/RESIDENTIAL/COMMERCIAL RECREATION COMPLEX TO A SITE WITHIN THE EXISTING BOUNDARIES OF THE S.U.D.P.

A related alternative would be to locate the golf course/residential/commercial recreation complex on lands at a location that already lays within the S.U.D.P. boundary west of the San Luis Canal. One such alternative would be on agricultural lands immediately west of the San Luis Canal, where a proposal for a private golf course/residential complex has already been made a part of the General Plan. A second alternative would be on agricultural lands within the approximate 370 acre triangle formed by Pacheco Blvd. on the north, Ortigalita Road on the east and the Route 152 Bypass alignment on the south and west. Either alternative would have the effect of eliminating or at least significantly reducing the potential for adverse environmental impacts on adjacent agricultural land or wetlands maintained for wildfowl hunting.

The first alternative (west of the San Luis Canal) would require the preparation of a Specific Plan and separate EIR. This alternative is considered by the City to be of unlikely feasibility for development of a municipal golf course because of land cost. The City desires to have an 18 hole golf course developed and donated to the City on the 548 acre parcel further east. However, achieving this aim is contingent on allowing the private residential development of the remaining property. Unless a similar proposal is offered to the City for providing the City with a golf course in exchange for the remaining land being allowed to develop in residential and commercial recreation use, the alternative of a municipal course west of the Canal would not be feasible. It is to be noted, however, that this alternative is environmentally superior to the golf course complex proposed east of the Canal because it avoids the potential for direct and indirect conflicts with agricultural lands, and wetlands used for wildfowl hunting, in the vicinity.

The feasibility of developing a golf course on land west of Ortigalita Road is complicated by several factors. In addition to the requirement for an exchange (developed golf course for residential use), there is not as much land available to accommodate the extent of residential development proposed east of the San Luis Canal. Moreover, this alternative is complicated by the significant costs associated with providing a sewer trunk line around the northern perimeter of the urban area to the sewage treatment plant. A trunk line approximately 5-1/2 miles in length would be required large enough to serve the golf course/residential/commercial recreation complex, and future industrial and residential development in the northern part of the urban



area. However, the demand for additional northern development to help pay the costs of the sewer is a very long-range proposition. In the interim, the City would have to meet the costs of over-sizing the line at a cost of several million of dollars.

A final limitation of the Ortigalita triangle alternative is that much of the opportunity for freeway related development as shown on the General Plan Diagram would be foreclosed.

#### THE ALTERNATIVE OF REQUIRING SUBSTANTIAL IN-FILL

This approach would prevent further urban expansion at the urban fringe until a large percentage of existing by-passed lands within the City limits was developed first. While the General Plan calls for greater emphasis on in-fill, a reasoned assessment of this policy is needed when one or more of the conditions described in Part III exist (see discussion under the subtitle "A 12-15 Year Perspective on Annexation").

An absolute requirement for in-fill could have a negative effect by artificially driving up residential land values to the point where market-rate housing activity would come to a halt, effectively retarding growth. Conversely, where adequate lands exist to meet reasonable demands of the housing market for the range of housing types needed, in-fill can be achieved over time. Where factors in support of in-fill have become apparent in recent years, the private sector has moved to take advantage of the opportunities presented. Unfortunately, several hundred acres of vacant land within the City limits are adversely impacted by conditions of urban blight in the vicinity which will require concerted efforts to eliminate through rehabilitation and redevelopment programming by the City, with the cooperation of the private sector, before their development can be realized.

#### OPEN SPACE/RESIDENTIAL ALTERNATIVES WITHIN THE AIRPORT APPROACH ZONE

A policy of the Circulation Element (Part IV-B) calls for restricting further residential development within the southeasterly airport Approach Zone within a horizontal distance extending from approximately 3,000' to 4,000' southeast of the end of the runway, as measured along the extended centerline of the runway. As reflected by the Land Use Element, the General Plan Diagram shows an area of approximately 19.5 acres to be developed for non-intensive recreation-park use in this part of the Airport Approach Zone [see Figure VI-1]. It would extend out from the end of the runway along the runway centerline for approximately 4,000' feet, indicating the maximum distance established by the policy of the Circulation Element as described above.

The first 15.8 acres of this park proposal is shaped somewhat like the head of an arrow. The second 3.7 acres is shaped like the shaft of an arrow and is 200 feet in width by approximately 1,000' in length. Under the Circulation Element policy cited above, either the arrowhead (3,000' out from the end of the runway - see Figure VI-2) or the arrowhead and shaft (4,000' out - see Figure VI-1), or any distance in between, would be appropriate. There are two alternatives to this policy. The first is to totally restrict development within the entire Approach Zone to a residential density of one (1)



unit per net acre of land, consistent with recommendations of the Merced County Airport Land Use Commission Policy Plan Update of 1978. The second alternative is to designate all of the undeveloped land area within the Airport Approach Zone for recreation open space as shown on Figure VI-3.

By restricting residential development to a density of one housing unit per acre, only 38 housing units could be constructed within that part of the Approach Zone which extends northwest of Cardoza Road. This would have the effect of losing an important opportunity for Community Recreation-Park development in the western part of the City where it is needed, in balance with other existing and proposed community park land. From the standpoint of aircraft landing safety, it would result in the loss of what would be tantamount to extending the existing Clear Zone by nearly 2,000' to 3,000'. Airport safety would not be served as well by a policy of low density residential development at one unit per acre as it would from park development.

If remaining land area out to Cardoza Road is included for recreation-park use, the park acreage would expand to slightly more than 36 acres [see Figure VI-3]. This poses special problems of land acquisition for the City in that it would require the allocation of recreation-park impact fees for many years to come at the expense of all other needs for developed park land [see discussion at the end of Part III-B under Air Transportation]. As a practical matter, there would not be sufficient funds accumulated for acquisition within the five year maximum period allowed by State Law in which lands may be "reserved" for public use without actually acquiring ownership.

Two other considerations come to bear on these alternatives which support the Land Use and Circulation policies of the General Plan as proposed. The first factor is that residential development of a majority of the 80 acres shown on Figures VI-1, 2 & 3 is necessary because the land is pledged by agreement to amortizing part of the costs of sewer trunk line construction involved in the Southeast Sewer Improvement Project.

The second factor is that this same 80 acres has been designated for Single-Family residential use at a density of "...not more than five units per acre..." since the first General Plan was adopted in 1964. No subsequent actions have been taken by the City to reduce the allowable density within the area covered by the County's Airport Land Use Plan. Moreover, serious questions are raised by recent decisions of the U.S. Supreme Court which limit the extent to which such policies of "down-zoning" may be allowable without constituting a taking without just compensation. Within this context, the written and graphically portrayed policies of the Land Use and Circulation Elements have been designed to strike a point of reasonable balance in allowing for residential development within the outermost parts of the Airport Approach Zone while promoting safety for aircraft landing operations through recreation-park development.

## 6. RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

### GENERAL CONSIDERATIONS

General Plan policies (especially those of the Land Use Element) commit substantial acreage to residential, commercial, industrial, public and other



4000' OPEN SPACE CORRIDOR IN AIRPORT APPROACH ZONE

FIGURE VI-1

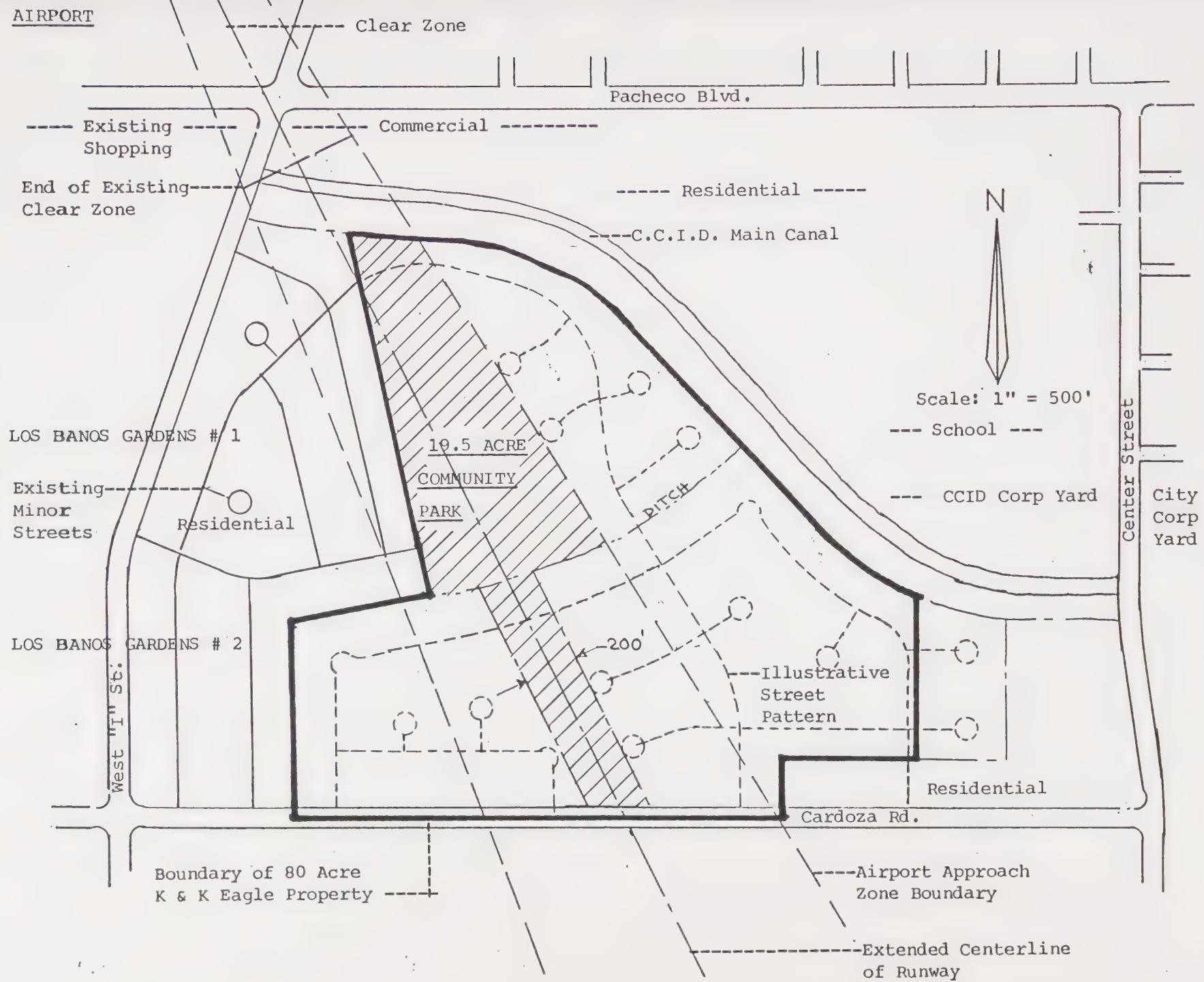




FIGURE VI-2

3000' OPEN SPACE CORRIDOR IN AIRPORT APPROACH ZONE

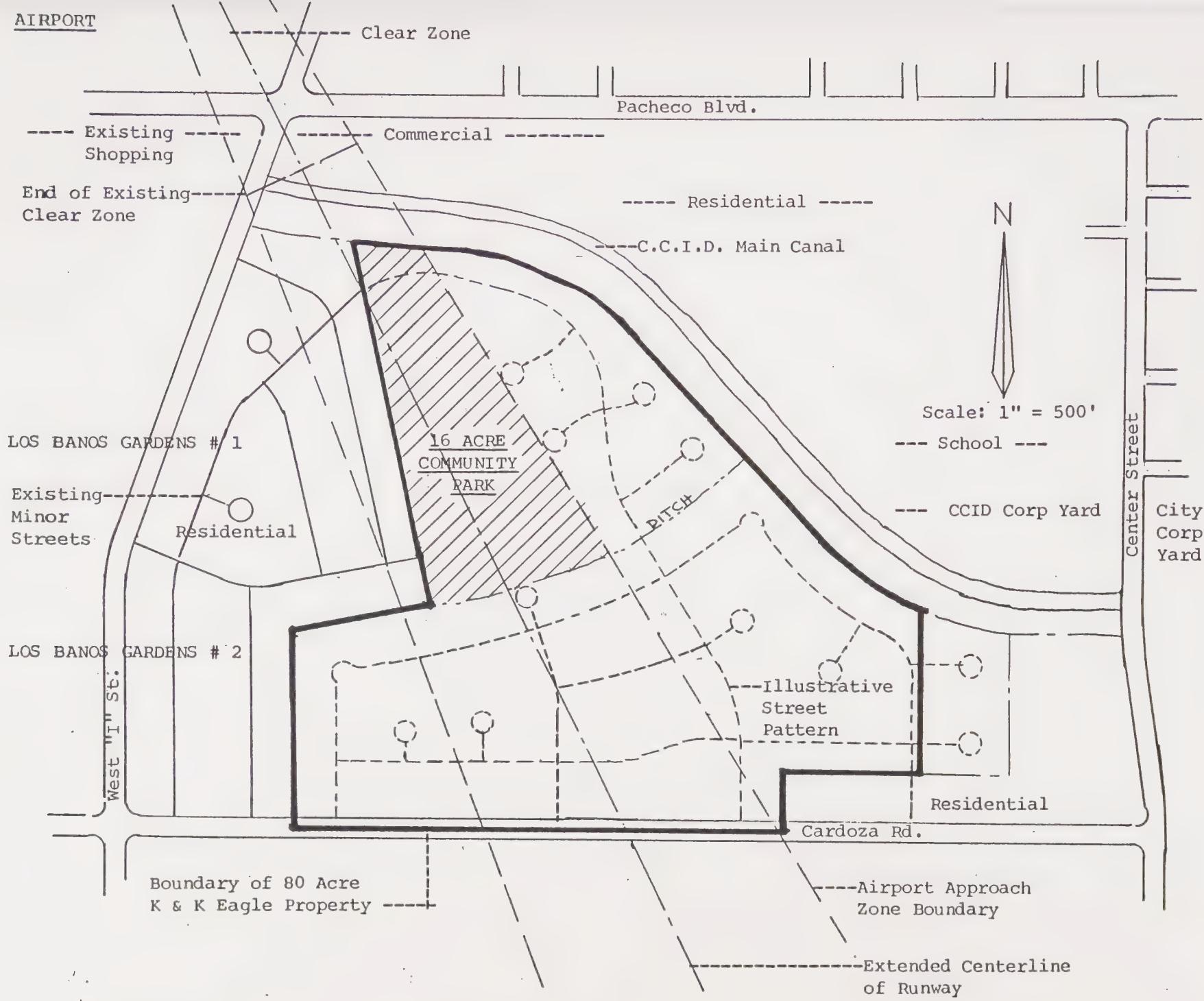
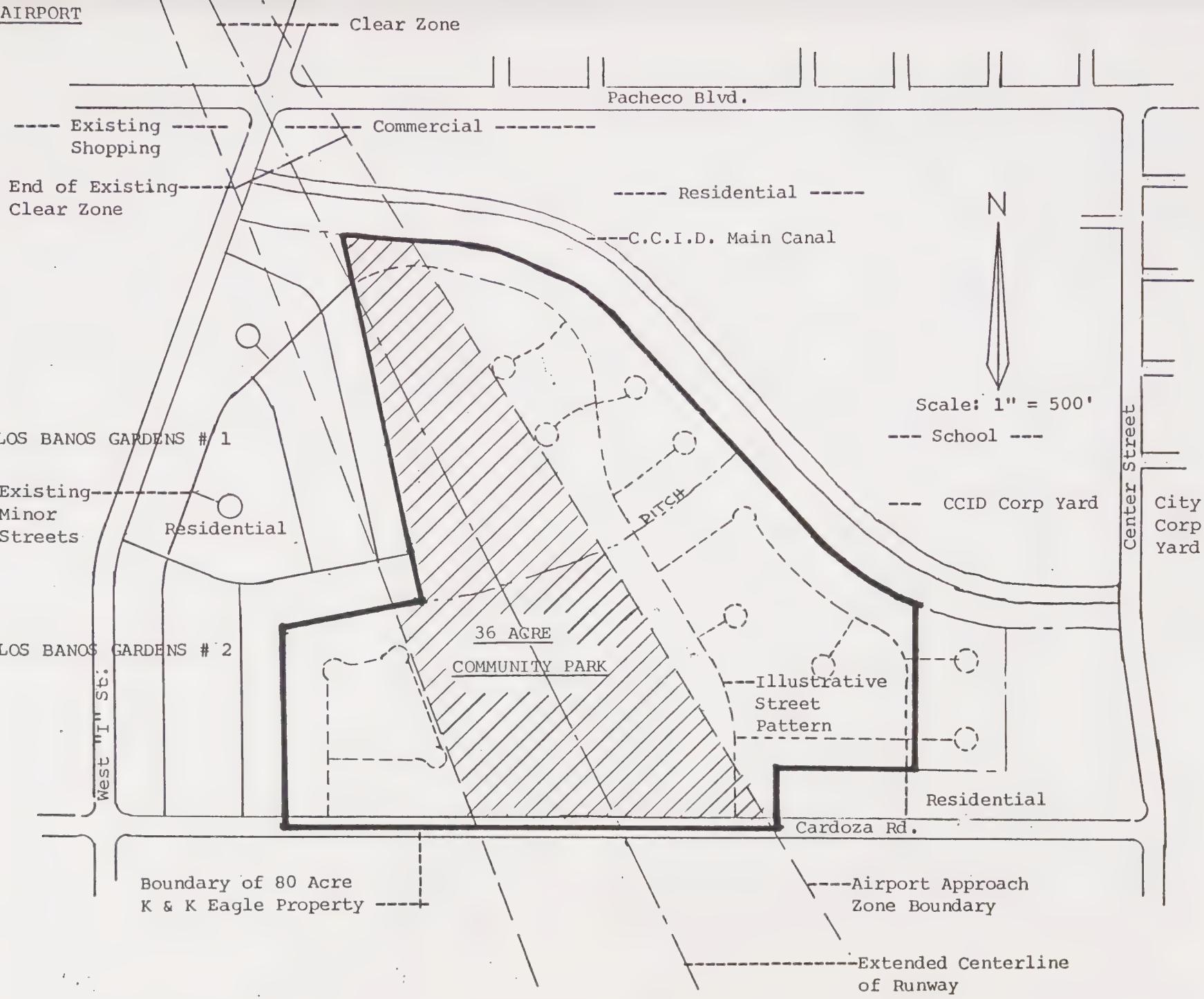




FIGURE VI-3

ALTERNATE OPEN SPACE CORRIDOR IN AIRPORT APPROACH ZONE

VI-36





use, including institutional use. Most of the land yet to be developed in urban use would result in the conversion of agricultural lands. Exceptions would be lands which lay vacant and fallow because of inadequate area for economical agricultural use or because of being surrounded or nearly surrounded by urban development.

With but one exception, proposals of the General Plan seek to accommodate all future urban expansion within the boundaries of Specific Urban Development Plan (S.U.D.P.) which are coterminous with the boundaries of the Sphere of Influence. The exception is the 548 acre golf course/residential/commercial complex proposed east of the San Luis Canal, of which 160 acres would be developed as a municipal golf course. Even including the golf course complex, the General Plan Diagram depicts substantially less land (about 650 acres) for future residential use than the previous General Plan. Thus, the long-term losses of agricultural productivity would be less than that resulting from policies of the 1964 General Plan, as amended.

The revised policies and proposals of the General Plan substantially modify and alleviate impacts anticipated under previous General Plan policy. In the long-term, the City of Los Banos and County of Merced will benefit by committing less land to urban development while providing for substantial growth in population and economic activity. The proposed project (updated General Plan) is justified now in order to meet changing conditions and needs and to reflect current mandates of the State Planning Law. Postponement of action would lead to negative effects, including the continuation of conflicts and inconsistencies among elements of the General Plan, and inability by the City to adequately respond to the needs of its current and future citizens.

#### CUMULATIVE IMPACTS OF THE EASTERN-MOST GOLF COURSE/RESIDENTIAL PROJECT

The most potentially serious cumulative impacts posed by the project are those associated with the proposal for the 548 acre golf course/residential/-commercial recreation complex along Route 152 east of the City. As shown on the General Plan Diagram, this proposal would establish a permanent urban appendage connected to the City by a legal corridor but separated from the City by a substantial corridor of agricultural land extending east from the alignment of the Santa Fe Grade Road.

The long-term risks associated with this proposal are that pressures eventually will emerge to develop agricultural lands immediately adjacent on the south, east and west and wildfowl hunting grounds to the north, and that such conversion eventually will occur. Policies of the General Plan [see Part IV-A and IV-D] call for maintaining these surrounding lands in agricultural use through agricultural and wetlands zoning by the County, a firm policy by the City not to annex adjacent lands, a firm policy by LAFCO not to give in to pressures from any source to permit annexation and urban development, and the adoption of mitigation measures for the project which will provide for wildlife management within project boundaries and minimize conflicts with activities on adjacent lands.

The discussion of mitigation measures in Section 4. of this EIR also calls for a project-specific analysis which examines the purchase of conservation easements over adjacent lands in favor of the U.S. Fish & Wildlife Service



(and/or other means) as assurance that surrounding lands will not be converted from agricultural and other open space use to urban use. These further investigations are intended to place the golf course project on hold until a satisfactory resolution of environmental issues is devised through the EIR process. A Draft EIR for the project already has been published, but will be replaced by a new Draft EIR on the Specific Plan that it required for the project under General Plan policy of this document. The new EIR required for a Specific Plan encompassing the golf course project becomes the testing ground to determine whether all legitimate concerns of potential long-term cumulative impact can and will be satisfied.

#### CUMULATIVE IMPACTS ON PUBLIC SERVICES

The cumulative impacts on public services, including schools, fire and police protection service, water-sewer-drainage, and recreation will occur incrementally and gradually as the urban area expands. A key policy of the General Plan requires the phasing of development in a manner which will not place undue strain on the ability of local government to provide adequate levels of public service. However, the application of this policy must occur at the time of considering environmental assessments of separate development proposals to assure that each project can be sustained. The City's ability to manage growth will also depend heavily on provisions of its Comprehensive Annexation Plan and of its Financial Plan and Capital Improvement Program. These plans will provide foresight on the timing when additional service capability and public improvements will be needed, and of the fair-share costs to be assessed during the development review process.

#### OTHER CUMULATIVE IMPACTS

Other cumulative impacts concerning air quality, circulation and traffic, water quality, public safety, noise, population, housing, human health, aesthetics and cultural resources are covered in Part IV and/or have been addressed previously in Part VI. Further discussion is also provided in the attached Initial Study.

### 7. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES UNDER THE PROJECT

The significant irreversible environmental changes that will occur if the General Plan is implemented will be the conversion of more than 2000 acres of productive agricultural land to urban use, including about 1,600 acres for residential use. Other irreversible changes include improvements to the street and highway system which will influence land use patterns and increase and redistribute volumes of traffic. It is also anticipated that many positive changes will occur that will enhance the quality of life for Los Banos residents, such as additional parks and improvement of economic conditions. To the extent that such positive changes become part of a well-guarded standard of living in Los Banos, they also may be classed as irreversible.



## 8. GROWTH-INDUCING IMPACT

The growth-inducing impact of the General Plan is to encourage, indirectly, a substantial increase in population and all of the public and private facilities and services needed to serve that population. The extent of this secondary level of impact has been covered extensively in all of Part IV, and in Part VI. Further evaluation is not required except for the discussion of the growth-inducing impacts of the Route 152 Freeway Bypass alignment which follows.

The Route 152 Bypass is proposed along an alignment that would be either 1/4 miles or 1/2 mile south of and parallel to the alignment of Pioneer Road, with diagonal links connecting with the existing highway alignment east and west of the City. Any alignment south of Pioneer Road can be considered as growth-inducing once the final alignment is selected by the California Transportation Commission. However, since such alignment is outside the current boundaries of the SUDP and Sphere of Influence, the procedures for changing the SUDP boundaries act as a major deterrent to premature and speculative urban development activity. Uncertainty as to the location and final design characteristics of freeway interchanges in the vicinity of future freeway interchanges also acts to deter such activity.

The land use policies of the General Plan and inability to provide sewer service to lands south of Pioneer Road also act to mitigate against premature and speculative development activity. Land use policies which deter such activity include designation of lands between Pioneer Road and the Bypass alignment (between the proposed Mercey Springs and West "I"/Ortigalita Road interchanges) as being appropriate only for Very Low Density Residential on lots of one acre or more in site area.

## 9. EFFECTS FOUND NOT TO BE SIGNIFICANT

Effects found not to be significant are listed and described in the attached Initial Study.

## 10. REPORT PREPARATION; ORGANIZATIONS AND PERSONS CONSULTED

### REPORT PREPARATION

This report was prepared by Robert E. Grunwald of Grunwald & Associates, City & Environmental Planning Consultants, 350 Rivergate Way, Sacramento, CA 95831; Telephone: (916) 429-6734



## ORGANIZATIONS AND PERSONS CONSULTED

### City of Los Banos

Culley E. Polehn, Planning Director  
Nancy Iversen, Assistant Planning Director  
Stephen Hollister (former Assistant Planning Director)  
David Witter, City Manager  
Don Germino, City Attorney  
Matt Barcellos, Director of Public Works  
Rick Dahlgren, Director of Parks & Recreation  
Chet Giantini, Fire Chief  
Charles Martin , Police Chief  
Bud Stambach, City Engineer  
Dan Dooley, Consulting Attorney

### Los Banos Unified School District

Dr. Robert Brickman, Superintendent

### County of Merced

Robert Smith, Director of Planning & LAFCO Executive Officer  
John Thayer, Assistant Director of Planning  
Department of Environmental Health  
Air Pollution Control District  
Department of Public Works

### Merced County Association of Governments

### State of California

Department of Transportation  
CalTrans, District 10, Stockton  
Division of Aeronautics, Sacramento  
Department of Fish & Game, Sacramento, Fresno and Los Banos  
Office of Planning & Research

### U.S. Fish & Wildlife Service

### Others

Thomas Kaljian  
Louis Amabile  
Walter Neal



**ENVIRONMENTAL CHECKLIST FORM**  
**(To Be Completed by Lead Agency)**

**I. Background**

1. Name of Proponent CITY OF LOS BANOS
2. Address and Phone Number of Proponent  
P. O. Box 31, Los Banos, California 93635  
PHONE: 209]826-0246
3. Date of Checklist Submitted June 17, 1988
4. Agency Requiring Checklist City of Los Banos
5. Name of Proposal, if applicable Comprehensive General Plan Update  
for City of Los Banos

**II. Environmental Impacts**

(Explanations of all "yes" and "maybe" answers are required on attached sheets.) NOTE: "Yes" and "maybe" answers refer to secondary effects.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Earth. Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	—	—	X
b. Disruptions, displacements, compaction or overcovering of the soil?	X	—	—
c. Change in topography or ground surface relief features?	—	—	X
d. The destruction, covering or modification of any unique geologic or physical features?	—	—	X
e. Any increase in wind or water erosion of soils, either on or off the site?	—	X	—
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	—	—	X
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	—	—	X



2. Air. Will the proposal result in:

- a. Substantial air emissions or deterioration of ambient air quality?  \_\_\_\_\_
- b. The creation of objectionable odors? \_\_\_\_\_
- c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally? \_\_\_\_\_

3. Water. Will the proposal result in:

- a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters? \_\_\_\_\_
- b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? \_\_\_\_\_
- c. Alterations to the course or flow of flood waters? \_\_\_\_\_
- d. Change in the amount of surface water in any water body? \_\_\_\_\_
- e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? \_\_\_\_\_
- f. Alteration of the direction or rate of flow of ground waters? \_\_\_\_\_
- g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? \_\_\_\_\_
- h. Substantial reduction in the amount of water otherwise available for public water supplies? \_\_\_\_\_
- i. Exposure of people or property to water related hazards such as flooding or tidal waves? \_\_\_\_\_

4. Plant Life. Will the proposal result in:

- a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? \_\_\_\_\_



	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Reduction of the numbers of any unique, rare or endangered species of plants?	—	—	X
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	—	X
d. Reduction in acreage of any agricultural crop?	X	—	—
<b>5. Animal Life.</b> Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	—	X	—
b. Reduction of the numbers of any unique, rare or endangered species of animals?	—	—	X
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	—	X	—
d. Deterioration to existing fish or wildlife habitat?	—	—	X
<b>6. Noise.</b> Will the proposal result in:			
a. Increases in existing noise levels?	X	—	—
b. Exposure of people to severe noise levels?	—	—	X
<b>7. Light and Glare.</b> Will the proposal produce new light or glare?	X	—	—
<b>8. Land Use.</b> Will the proposal result in a substantial alteration of the present or planned land use of an area?	X	—	—
<b>9. Natural Resources.</b> Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	—	—	X
<b>10. Risk of Upset.</b> Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	—	—	X



	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Possible interference with an emergency response plan or an emergency evacuation plan?	—	—	X
11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	X	—	—
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?	X	—	—
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	X	—	—
b. Effects on existing parking facilities, or demand for new parking?	X	—	—
c. Substantial impact upon existing transportation systems?	—	X	—
d. Alterations to present patterns of circulation or movement of people and/or goods?	—	X	—
e. Alterations to waterborne, rail or air traffic?	—	—	X
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	—	X	—
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	—	X	—
b. Police protection?	—	X	—
c. Schools?	—	X	—
d. Parks or other recreational facilities?	—	X	—
e. Maintenance of public facilities, including roads?	—	X	—
f. Other governmental services?	—	X	—
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	—	—	X



	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
b. Substantial increase in demand upon existing sources or energy, or require the development of new sources of energy?	—	—	X
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:	—	X	—
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	—	X	—
b. Exposure of people to potential health hazards?	—	X	—
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	—	—	X
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	X	—	—
20. Cultural Resources.			
a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	—	—	X
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	—	—	X
c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	—	—	X
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?	—	—	X
21. Mandatory Findings of Significance.			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate			



	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
important examples of the major periods of California history or prehistory?	—	—	X
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	—	X	—
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	—	X	—
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	—	—	X

**III. Discussion of Environmental Evaluation**  
(Narrative description of environmental impacts.)

See attached.

**IV. Determination**  
(To be completed by the Lead Agency.)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

June 17, 1988

Date

  
 Signature CULLEY E. POLEHN

For CITY OF LOS BANOS

(Note: This is only a suggested form. Public agencies are free to devise their own format for initial studies.)



## DISCUSSION OF ENVIRONMENTAL EVALUATION

The following discussion follows the sequence of the preceding Environmental Checklist.

1. Earth: A secondary effect of the proposal will be the compaction and overcovering of the soil with impervious surfaces of pavement, concrete, buildings and other permanent materials. No significant effect will occur under City development regulations that require positive off-site drainage.

Another secondary effect is the potential for wind erosion of soils during construction activity and consequent impact on air quality. This should be discussed in the project EIR.

2. Air: A secondary effect of the proposal will be the generation of additional mobile and stationary emissions of pollutants which will have an adverse impact on the air quality of the region. This should be discussed in the project EIR.

3. Water: A secondary effect of the proposal will be the generation of surface water runoff on streets and driveways which will contain oils, greases from motor vehicles and chemicals from yards (fertilizers, pesticides, etc.). The Central California Irrigation District has registered concern in the past over possible adverse effects of such constituents of surface water that is collected and pumped into the District's Main Canal for ultimate disposal to lands of downstream users. Similar concern has been expressed by the Grasslands Water District. This should be discussed in the project EIR.

4. Plant Life: A secondary effect will be the conversion of about 2000 acres of agricultural land to urban use. This should be discussed in the project EIR. The conversion of agricultural land would also include about 548 acres proposed for a golf course/residential/commercial recreation complex east of the existing City limits along Route 152, if a Specific Plan and separate EIR for this separate project are adopted by the City.

5. Animal Life: Wildfowl hunting grounds and other wetlands may be adversely affected by the golf course complex mentioned above. Discussion will be required as part of a separate EIR for a Specific Plan to be prepared for the golf course project.

6. Noise: Secondary effects of additional vehicle traffic and industrial development will be the generation of noise along streets and highways at levels that could have adverse effects on nearby residential development and sensitive noise receptors. No significant effect will occur as the result of adopted policies of the Noise Element of the General Plan.

7. Light and Glare: Light and glare will be generated as secondary effects of urban expansion in all areas of the community. No significant effect will occur under development regulations of the City which require hooding of outdoor lighting and indirect lighting of signs and outdoor advertising structures.



8., 11 & 12. Land Use, Population and Housing: The proposal will encourage growth in population, housing and the full range of urban land use required by population increase. Discussion is required in the project EIR.

9. Natural Resources: The proposal will not result in the depletion or increase in the rate of use of any natural resource. No significant effect will occur.

13. Transportation: The proposal will have the secondary effect of substantially increasing vehicular traffic throughout the community. In turn, this will generate increased demand for off-street parking within major activity centers, require the widening and improvement of existing Arterial and Collector streets and provision of new streets, and increase hazards to vehicles, bicyclists and pedestrians. It may also increase hazards to aircraft safety. Discussion is required in the project EIR.

14. & 16. Public Services and Utilities: The proposal will result in secondary effects and demands on all public services and utilities. Discussion is required in the project EIR.

15. Energy: The proposals will not result in the use of substantial amounts of fuel or energy, or substantially increase demands upon existing sources of energy or require the development of new sources. No significant effect will occur.

17. Human Health: Secondary effects of the proposal could result in adverse effects on human health through industrial pollution, residential development within the Airport Approach Zone or in the event of a natural disaster. Discussion is required in the project EIR.

18. Aesthetics: Secondary effects will not obscure any scenic vistas. The creation of offensive views will be avoided by development regulation requirements of the City for landscaping and visual screening. No significant effect will occur.

19. Recreation: The proposal will result in an impact upon the quantity and quality of existing recreation opportunities. Discussion is required in the project EIR.

20. Cultural Resources: The City has already taken positive steps to preserve known archaeological and cultural resources of significance located in the vicinity of the sewerage treatment plant and disposal ponds. No significant effect will occur.

21. Mandatory Findings of Significance: The proposal does have the potential for enduring long-term adverse cumulative impacts.



## APPENDIX "B"

### WRITTEN COMMENTS ON DRAFT EIR

#### Order of Written Comments

		<u>Page No</u>
No. 1 -	Terry L. Barrie, IGR Coordinator, Caltrans District 10, Stockton	B-1
No. 2 -	Sandy Hesnard, Environmental Planner, Division of Aeronautics, Caltrans, Sacramento	B-2
No. 3 -	Martha Neuman, Research Assistant, California Department of Food & Agriculture, Sacramento	B-3
No. 4 -	Dennis J. O'Bryant, Environmental Program Coordinator, Office of the Director, Calif. Depart. of Conservation, Sacramento	B-4
No. 5 -	George D. Nokes, Regional Manager, Region 4 (Fresno) Calif. Department of Fish & Game Fish & Game, Fresno	B-7
No. 6 -	John A. Thayer, Jr., Assistant Executive Officer, Merced Co. Local Agency Formation Commission	B-8
No. 7 -	Gail F. McCullough, Chairperson, Merced County Airport Land Use Commission	B-12
No. 8 -	Irish's Drafting Service, Hollister (Representing Walter and Keiko Neal)	B-13
No. 9 -	Alexander T. Henson, Attorney at Law (Representing the Grasslands Water District	B-15



## DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 (1976 E. CHARTER WAY)

STOCKTON, CA 95201

TDD (209) 948-7853

(209) 948-3687

RECEIVED  
12-1-88  
CITY OF LOS BANOS

September 6, 1988

10-Mer-152/165 Var.  
City of Los Banos  
Los Banos General Plan  
Update/Draft EIR  
SCH #88062114

Mr. John Keene  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

Dear Mr. Keene:

Caltrans has reviewed the Draft EIR for the Los Banos General Plan Update and offers the following comments.

In reference to the proposed Route 152 Bypass the following points may require further discussion.

The proposed interchanges include a partial interchange at Ward Road east of Los Banos. Approval of this may be questionable due to the California Transportation Commission's (CTC) reluctance to grant approval of other than full interchanges. CTC policy also provides that interchanges in urban areas be no less than one mile apart.

The alignment proposed is about 1/4 mile south of Pioneer Road. It has been pointed out that locating the facility 1/2 mile south of Pioneer would be less disruptive of farm land ownership and irrigation systems. This, however, is a local issue.

Caltrans appreciates the opportunity to comment on the Draft EIR and requests a copy of the final document when available. Any questions regarding this review may be directed to Al Johnson at Caltrans, telephone 209/948-7838.

Very truly yours,

TERRY L. BARRIE  
IGR Coordinator

Attachment  
cc: J Brown/MCAG





## DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS

30 K STREET - 4th FLOOR

MAIL P.O. BOX 942873

SACRAMENTO, CA 94273-0001

6) 322-3090

D (916) 323-7665

RECEIVED

JUL 21 1988

July 15, 1988

CITY OF LOS BANOS

Mr. Culley E. Polehn  
Planning Director  
City of Los Banos  
P. O. Box 31  
Los Banos, CA 93635

Dear Mr. Polehn:

The City of Los Banos' NOP for a Comprehensive General Plan Update

The Department of Transportation, Division of Aeronautics, has reviewed the above-referenced document with respect to those areas germane to its statutory responsibilities pursuant to CEQA. The following suggestions are offered for your consideration.

Since Los Banos Municipal Airport is located within the City, the DEIR should address potential impacts to airport operations as well as airport-related noise and safety impacts on the community. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflict between airports and their surroundings.

Thank you for the opportunity to review and comment on this proposal. The Division looks forward to reviewing the DEIR.

Sincerely,

JACK D. KEMMERLY, Chief  
Division of Aeronautics

*Sandy Hesnard*  
Sandy Hesnard  
Environmental Planner

cc: Merced County ALUC



te of California

## memorandum

Mr. John Keene  
State Clearinghouse  
Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, California 95814

Date : August 31, 1988  
Place : Sacramento

To : Department of Food and Agriculture --1220 N Street, Room 104  
Sacramento, CA 95814

Subject: SCH No. 88062114--Comprehensive General Plan Update for  
the City of Los Banos

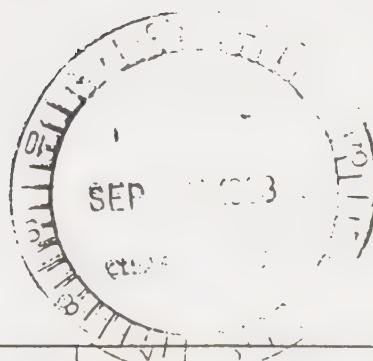
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AUG 31 1988  
CITY OF LOS BANOS

The California Department of Food and Agriculture (CDFA) has reviewed the Draft Environmental Impact Report (DEIR) for the above referenced project.

The CDFA appreciates the identification and discussion of the significant impacts regarding the conversion of agricultural land to urban development. We have no comment to offer on the DEIR.

Martha Neuman  
Research Assistant  
(916) 322-5227

cc: Merced County Agricultural Comissioner





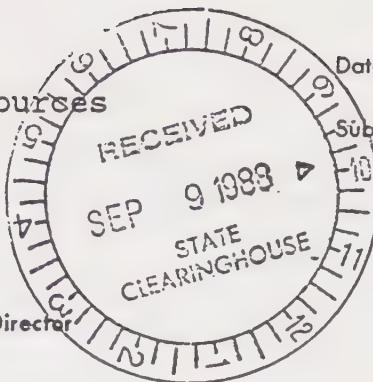
ite of California

## Memorandum

: Dr. Gordon F. Snow  
 Assistant Secretary for Resources

Mr. Culley E. Polehn  
 City of Los Banos  
 520 J Street  
 Los Banos, CA 93635

m : Department of Conservation—Office of the Director



Date : SEP 08 1988

Subject: Draft Environmental Impact Report (DEIR) for General Plan Update, SCH# 88062114

The Department of Conservation has reviewed the City of Los Banos' DEIR (GP, Part VI) for its comprehensive General Plan (GP) Update, referenced above. The Department is responsible for monitoring farmland conversion on a statewide basis and also administers the California Land Conservation (Williamson) Act. Because the proposal involves the loss of valuable farmland, the Department offers the following comments.

The DEIR for this project addresses only the amended portions of the proposed updated GP. The arguments supporting this approach are: (1) former policies and procedures set forth by the existing GP have withstood the test of environmental analysis; and, (2) these policies and procedures essentially remain unchanged for the Update. Thus, it is argued, no further analysis, except for long-term cumulative impacts, is necessary.

The Department asserts that the partial evaluation of the GP Update in the DEIR does not comply with the intent of the California Environmental Quality Act (CEQA) (referenced sections of CEQA are attached) for the following reasons:

1. "Project", as defined by the CEQA Guidelines (California Administrative Code Section 15378), refers to "the whole of an action". A project should not be split into two or more segments. In this case, the DEIR should address the proposed GP in its entirety, not only the proposed updated portions.
2. CEQA also provides that an EIR prepared for an earlier project may be used for subsequent projects. However, this use is permitted only if the impacts of the two projects and the circumstances of both projects are essentially the same. (See California Administrative Code Section 15153). Although the policies and procedures may remain the same in the updated GP, the environmental setting probably has not, resulting in the potential for new or more extreme impacts.

The city may wish to refer to the Appeals Court's decision on EPIC vs. El Dorado County (131 Cal App. 3rd 350) for information on what must be covered in an EIR for a general plan update.



Dr. Gordon F. Snow  
Mr. Culley E. Polehn  
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The DEIR notes that soils in the Los Banos area are primarily Class I and Class II soils. The implementation of this GP could result in the loss of at least 2,000 acres of these soils, a loss which is correctly identified as a significant environmental impact in the DEIR. The DEIR also notes several mitigation measures addressing farmland conversion and recommends project-specific mitigations. In addition, the Final Environmental Impact Report (FEIR) should provide the following information to ensure the adequate assessment of the GP impacts on the area's agricultural land resources.

- The agricultural character of the area covered by the GP and of nearby or surrounding lands which may be affected by the conversion.
  - Types and relative yields of crops grown in the GP area, or in areas of similar soils under good agricultural management.
  - Agricultural potential, based on the U. S. Department of Agriculture's Land Capability Classification System.
- Farmland Conversion Impacts.
  - The type, amount, and location of farmland conversion that would result from implementation of the GP.
  - The impact on current and future agricultural operations.
  - The cumulative and growth-inducing impact of the GP on farmland in the planning and surrounding area.
  - The economic impacts of the farmland conversion on all sectors of the local economy. Multipliers developed by the Cooperative Extension Service for Stanislaus County should be consulted for this analysis.
- Additional mitigation measures and alternatives that would lessen the farmland conversion impact of the GP. Some of the possibilities are:
  - Directing urban growth to lower-quality soils in order to protect prime agricultural land.
  - Increasing densities or clustering residential units to allow a greater portion of the site to remain in agricultural production.
  - Establishing buffers, such as setbacks, berms, greenbelts and open-space areas to separate farmland from urban uses. Many communities have considered 300 feet as a sufficient buffer for impacts such as pesticide spraying, noise and dust.



Dr. Gordon F. Snow  
Mr. Culley E. Polehn  
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- Implementing right-to-farm ordinances to diminish nuisance impacts of urban uses on neighboring agricultural operations, and vice-versa.
- Considering the use of farmland trusts, which have been established by other counties, such as the Sonoma Land Trust, to identify and develop mechanisms for protecting the area's most threatened and important agricultural lands.
- Incorporating planning tools, such as transfer/purchase of development rights, into the General Plan as an implementation strategy of the agricultural, land use, open space or conservation elements.

The Department appreciates the opportunity to comment on the DEIR.. We hope that the FEIR, addressing impacts of the GP in its entirety, gives the agricultural land resources of the Los Banos area adequate consideration. If I can be of further assistance, please feel free to call me at (916) 322-5873.



Dennis J. O'Bryant  
Environmental Program Coordinator

DJO:EK:efh  
Attachments

cc: Stephen Oliva, Chief  
Office of Land Conservation



DEPARTMENT OF FISH AND GAME  
REGION 4  
234 East Shaw Avenue  
Fresno, CA 93710  
(209) 222-3761

SEP 28 1988



September 23, 1988

Mr. Culley Polehn, Planning Director  
P O Box 31  
Los Banos, CA 93635

Dear Mr. Polehn:

Subject: Draft Environmental Impact Report, General Plan Update

We have reviewed the City of Los Banos' Draft Environmental Impact Report (DEIR) for the Los Banos Comprehensive General Plan Update. The revised Plan will direct the City's development for the next 15 to 20 years.

The surface water drainage section only addresses the water quality concerns expressed by the Central California Irrigation District (CCID). Significant amounts of surface drainage from the city also enter the canals of the Grassland Water District (GWD). Their distribution system carries water to state, federally and privately owned wetland areas as well as to the San Joaquin River. Because of this, the discharge of urban surface runoff into the GWD has the potential to affect fish, wildlife and botanical resources over an extensive area of state, federal and private lands. The plan should include a master drainage plan for the city and the DEIR should disclose the extent of the potential impacts associated with the continued discharge of urban runoff into the San Joaquin River.

The drainage plan should include: (1) water quality objectives, (2) current and projected peak flow volumes, (3) detention pond locations, and (4) contingency measures to prevent contamination of surface waters in the event of a hazardous spill in the urban area.

The superior golf course site identified west of the San Luis Canal should be evaluated using a project design similar to the proposed course east of Los Banos. We believe the western site would result in less impacts to waterfowl and the wetlands within the GWD.

If you have any questions or need additional information, please contact Ron Rempel, Associate Wildlife Biologist, at the above address or telephone number.

Sincerely,

George D. Nokes  
Regional Manager





## LOCAL AGENCY FORMATION COMMISSION

2222 "M" STREET  
TELEPHONE (AREA CODE 209) 385-7654  
MERCED, CALIFORNIA 95340

September 14, 1988

15168

Mr. Culley Polehn  
Planning Director  
CITY OF LOS BANOS  
P. O. Box 31  
Los Banos, CA 93635

RE: DEIR Response for Los Banos General Plan

Dear Culley:

LAFCO staff appreciates the opportunity to comment on the EIR for the City's new General Plan. As was noted in our NOP comments, consideration of certain issues will assist LAFCO in the future review of the City's Sphere of Influence boundary and annexations. The following comments pertain to both the DEIR and the new General Plan. LAFCO's comments are intended to be sure the EIR addresses topics and issues LAFCO is required to consider in its deliberations.

LAFCO supports the City's use of a programmed EIR which incorporates the EIR into the General Plan. We found the basic topics listed per CEQA requirements; however, we feel that the depth or basis of analysis used in the Plan's development was difficult to appreciate due to the absence of any technical mapping or support information.

The EIR does cover the topics in a comprehensive format, although there is a considerable lack of detail concerning resource management. The character of the assessment concerning resource management and constraints to development more closely resembles discussions found in a tiered EIR. However, the discussions make it clear that the intent is to anticipate most assessment for many subsequent activities as part of this assessment effort. The document makes a good effort to examine the broad overall effects of the proposed policy and relies extensively, for both mitigation and implementation, on a basic subsequent program (the Comprehensive Annexation Plan) to avoid unnecessary adverse environmental effects. The City's proposed CAP can be a logical next step to further define and clarify the City's aggressive annexation policy to be sure unnecessary premature conversion of agricultural land or leapfrog development is avoided. The Plan does outline general format and policy and other general criteria which will assist the implementation of the program.

The use of this EIR should presume that subsequent assessment during implementation of the policy will occur. This EIR and the ERME (IV-D-1) would then serve as an initial analytical superstructure for subsequent and more detailed environmental analysis during the Plan's implementation (i.e., rezonings, ordinance amendments and development application review). LAFCO supports the City's proposal that subsequent EIRs and Negative Declarations will incorporate by reference materials from this document regarding regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors. Subsequent environmental assessment would then primarily need only to focus on new effects or those that have not been covered or considered in detail (15168, (d)(2 & 3)).



Under the various topics in "PART VI," references are made to supporting or supplemental discussions in the General Plan. LAFCO has reviewed these discussions and offers the following comments:

1. Page III-3 - the City proposes pursuing an aggressive annexation policy including advanced land banking territory for 12 to 15-years growth. Such long term and banking for other than in-fill or to coordinate certain infrastructure locations may be difficult to justify. Cortese-Knox uses a 10 year example. LAFCO staff would suggest such advanced long term annexations should be coordinated and preceded by approved capital improvement programs. Such programs would assist the City in deciding which of the areas within its long term plan boundary are most efficient and least costly to develop. The Plan has identified areas which should be promoted for development before other areas. The suggested use of development agreements could serve as an excellent mechanism to demonstrate to LAFCO that a particular proposal is serious rather than speculative.
2. It would be helpful if the EIR mapped or illustrated areas which are referred to on page IV-A-4. The discussion references areas as being part of an "unavailability" factor. Do the percentages represent actual calculations or are they used as templates for use in discussions?
3. *Find* The Plan states on page IV-A-8 that the location of the State Highway 152 bypass and adjacent land use designations are intended to function as a physical barrier to southern expansion of the City until the Twenty-First Century. However, should not the EIR recognize that freeway realignment usually is preceded or accompanied by speculative land development proposals and significant growth pressure?
4. The basis of environmental advantages of the proposed bypass location should be discussed.
5. On page IV-D-3, policy #3 relies on both the County's land use policy and LAFCO's review of annexation proposals to prevent leapfrog development and significant growth pressures on adjacent lands. The development of the CAP can demonstrate how the City will share this burden. LAFCO staff agrees that this policy will have a growth-inducing affect on the area which cannot be mitigated to a level of nonsignificance. Adoption of this territory as part of the City's plan boundary, or to be considered by LAFCO for inclusion in a review of the City's Sphere boundary, would need to be accompanied by overriding consideration findings.
6. Current discussions in the Plan do not recognize the local role served by the Central California Irrigation District (CCID). This District should be recognized due to a fundamental unstated assumption in the Plan that land banked agricultural lands would continue in agricultural production. Such a presumption should recognize that LAFCO may require co-processing of lands being detached from the irrigation district during annexations. Current practice of not requiring such reorganizations may be inconsistent with State policies. Avoiding irrigation district detachments during City annexations discourages such properties from being available for development or allows proposals to be more speculative in character. Such coordinated co-processing should encouraged in the CAP.
7. The DEIR presumes existing designations and Plan polices have weathered the test of time and environmental analysis. LAFCO staff understands the administrative



September 14, 1988

convenience in such an approach. Hopefully such an approach will not avoid reconsideration of existing land use map designations. Cortese-Knox and CEQA both discourage the presumption that presuming existing policy addresses urban rural conflicts.

8. It is not clear if the discussion on page IV-D-4 states that no wetlands exist within or adjacent to the proposed SUDP boundary except the Los Banos Creek riparian corridor. Are there other areas identified on the USGS "Wetlands" mapping, or have other potential wetland and vernal pool areas been significantly graded or modified by agricultural and other activities?
9. How do the City's growth projections relate to the remaining capacity of the County's Billy Wright land-fill site? Will an additional site be necessary in the near future?
10. Can any estimate of the amount of infiltration of ground water and storm water into the sewer system be provided? How will correction of the infiltration problem affect development of different areas of the community?
11. Merced County's Safety Element is over 14 years old. Does it still provide enough data and policy direction to address the City's needs?
12. Are there areas that can be identified where the City's water distribution system is not yet looped or does not provide at least 1500 gallons per minute of fire flow?
13. How would the costs of sewer and water upgrades relate to existing development verses new proposals?
14. Are there any roadway plan lines or right-of-ways being proposed in the Plan which are in conflict with the County's Circulation Plan? LAFCO needs to address such conflicts during future annexation requests.
15. Other environmental documents are referenced, particularly for existing City policy and infrastructure studies. Please summarize or briefly describe where the other environmental documents differ or depart from the current discussions as they relate to specific development proposals verses establishing Plan policy.
16. Please clarify the level of significance the various mitigation measures will reduce impacts. Additionally, if discussions in the General Plan are intended to serve as more particular environmental discussion and various policies are presumed to act or serve as mitigation measures, please identify them. Identification of policies which are mitigation measures will also assist the City Council and LAFCO in making findings.
17. The DEIR should explain the methodology used to propose certain land uses related to physical or service constraints.

Please include discussion of the following questions in the General Plan. The City is reminded that in responding to a sphere amendment proposal, whether initiated by the City or LAFCO, the Commission is required by law to consider and make written determinations with respect to the following factors:



Culley Polehn  
City of Los Banos

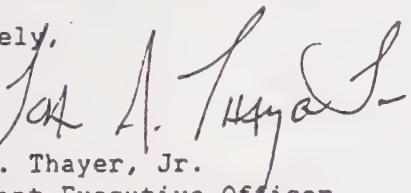
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September 14, 1988

1. The present and probable need for public facilities and services in the area, including how an agency's policy or plans addresses matching growth or changes in facility needs.
2. The present capacity of public facilities and the adequacy of public services which the City expects to provide.
3. Will the City be promoting or requesting annexation of territory before the adoption of capital improvement plan programs for facility and infrastructure expansion? How would or should such plans relate to the Plans "land banking" of land not expected to develop for 10 years.
4. Is policy being considered which can help assure that the avoidance of urban land monopoly concept does not easily become a justification for premature conversion of agricultural land? LAFCO's concern is that corresponding to any land monopoly concept is the issue of excessive land availability which discourages efficient service, in-fill growth and patterns. Policies should be considered which avoid lengthy and expensive extensions of water and sewer lines bypassing properties. Avoiding early participation in the costs of service expansion increases the cost of development. Such policies, or their implementation should avoid increasing the speculative value of properties not participating in the cost of providing necessary infrastructure.

In closing, LAFCO compliments the City's efforts and the progress made towards a new General Plan. During future project considerations, LAFCO requests that whenever the City is proposing or has determined that the Program EIR has already addressed a subject or topic issue, the City's notices and referrals include a statement that the activity is within the scope of the Programmed EIR and that the City has or will be considering a determination that the Program EIR adequately described the activity for the purposes of CEQA (15168(e)).

Sincerely,



John A. Thayer, Jr.  
Assistant Executive Officer

JAT/cs

cc: LAFCO Commission  
LAFCO Counsel  
LAFCO Executive Officer





# AIRPORT LAND USE COMMISSION

c/o PLANNING DEPT.  
2222 "M" STREET  
TELEPHONE (AREA CODE 209) 385-7654  
MERCED, CALIFORNIA 95340

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OCT 1 1988

CITY OF LOS BANOS

October 17, 1988

Elmer K. Austin, Mayor  
CITY OF LOS BANOS  
P. O. Box 31  
Los Banos, CA 93635

RE: Draft Los Banos General Plan

Dear Mayor Austin:

One of the responsibilities of the Merced County Airport Land Use Commission (ALUC) is to review all general plans for conformance with adopted ALUC policies. In its review of the draft plan, the Commission has concentrated specifically on policies related to the Los Banos Municipal Airport. The Commission appreciates the many complex issues the City has considered in the General Plan revision.

At the September 23, 1988 ALUC meeting, the Commission took two actions with respect to the City's draft General Plan. First, they found the draft Plan was not in compliance with the ALUC Policy Plan of 1978. The ALUC Plan states that in airport approach zones, any residential development allowing for more than one unit per acre is incompatible with airport safety. The draft Plan contains both Low-Density Residential and Low-Density Reserve designations (allowing up to six units per acre) in the area south of the Los Banos Airport.

The importance to the City of adopting the General Plan in a timely manner was recognized in the Commission's second action. The Commission voted to encourage the City to move forward in its General Plan efforts, noting the ALUC will support this effort as long as the land uses designated by the Plan within the airport area conform with the ALUC Plan adopted in 1978. The purpose of ALUC policies are for the protection of life, and the health and safety of both people residing near the airport and those flying aircraft. It is also important to avoid land uses which would jeopardize the continued operation of the Los Banos Municipal Airport.

A copy of the 1978 ALUC Policy Plan has been forwarded to the City Planning Director. If the City Council or City staff has any questions, please contact Bill Nicholson at 385-7654.

Thank you for your consideration of ALUC's concerns.

Sincerely,

*Gail F. McCullough*  
Gail McCullough  
Chairperson

SM/WRN:cs



IRISH'S DRAFTING SERVICE  
P. O. BOX 778  
HOLLISTER, CALIF. 95024  
(408) 637-7387  
SEPTEMBER 8, 1988

CULLEY E. POLEHN  
PLANNING DIRECTOR  
CITY OF LOS BANOS  
P. O. BOX 31  
LOS BANOS, CALIF. 93635

RECEIVED  
12/1988  
CITY OF LOS BANOS

## RE: COMMENTS TO EIR-GENERAL PLAN

DEAR MR. POLEHN,

I REPRESENT WALT AND KEIKO NEAL IN THEIR PROPOSED 80 ACRE ANNEXATION TO THE CITY OF LOS BANOS. THE SITE IS DESIGNATED AS ASSESSORS PARCELS 83-030-10, 28, 29, 30 & 35, BEING NORTH OF CARDOZA ROAD BETWEEN WEST "I" STREET AND CENTER STREET.

AS SHOWN ON THE NEW GENERAL PLAN MAP, A PORTION (19.5 ACRES) OF THIS PROJECT IS DESIGNATED FOR COMMUNITY PARK, BASED ON A CURRENT STANDARD OF 3.6 ACRES OF DEVELOPED PARK PER 1,000 PERSONS POPULATION. THIS PARK AREA WOULD SUSTAIN A DEVELOPMENT OF 2,006 UNITS WITH AN AVERAGE OF 2.7 PERSONS PER UNIT.

THE PROJECTS IN THE IMMEDIATE AREA, LOS BANOS GARDENS UNIT NO. 2 HAS 168 UNITS, LOS BANOS GARDENS UNIT NO. 4 HAS 231 UNITS, THE NEAL PROJECT, BASED ON 4.8 UNITS PER ACRE GROSS (UTILIZING A PARK AREA OF 19.5 ACRES) WOULD YIELD APPROXIMATELY 290 UNITS. THE TOTAL OF THESE ASSOCIATED PROJECTS IS 689 UNITS OF R-1 LOTS AND WOULD REQUIRE 34% OF THAT PARK SITE (6.7 ACRES). THE 19.5 ACRE SITE SHOWN ON THE NEW GENERAL PLAN, REPRESENTS THE 4,000 FOOT REPRESENTATION OF AIRPORT APPROACH CLEAR ZONE. A PARCEL OF APPROXIMATELY 16.0 ACRES WOULD BE UTILIZED IF THE SAFETY ZONE WERE MOVED TO 3,000 FEET FROM THE RUNWAY AREA. THIS WOULD INCREASE THE DEVELOPABLE AREA BY 3.5 ACRES AND INCREASE THE PARK SITE TO 6.75 ACRES. TO MATHEMATICALLY EQUAL OUT DEVELOPMENT VS. PARK NEED PER ORDINANCE, THE DEVELOPABLE AREA WOULD BE 72.7 ACRES AND THE PARK SITE WOULD BE 7.3 ACRES. THEREFORE, THE NEALS ARE BEING SUBJECT TO A CHANGE OF ZONING OF A MINIMUM 8.7 ACRES AND A PROJECTED MAXIMUM OF 12.2 ACRES OF DEVELOPMENT LAND FOR PARK. THIS AREA HAS BEEN "ZONED" R-1 (NOT MORE THAN 5 UNITS PER ACRE) SINCE THE 1964 GENERAL PLAN. ONLY WITH DISCUSSION OF ANNEXATION OF THIS PROPERTY AND SUBSEQUENT NEW GENERAL PLAN, HAS THE SUBJECT BEEN BROUGHT UP CONCERNING THE AIRPORT LANDING APPROACH SAFETY ZONE, IT'S REQUIREMENTS BEING MORE STRICTLY RECOMMENDED SINCE APPROXIMATELY 1985.

A LETTER WRITTEN BY THE FAA'S DISTRICT OFFICE IN SAN FRANCISCO, SUGGEST A WARNING OF "POTENTIAL TO CREATE UNFORTUNATE NOISE PROBLEM FOR THE RESIDENTS AND A COMPLAINT PROBLEM FOR THE CITY". MERCED COUNTY PLANNING



IRISH'S DRAFTING SERVICE  
P. O. BOX 778  
HOLLISTER, CALIF. 95024  
(408) 637-7387  
SEPTEMBER 8, 1988

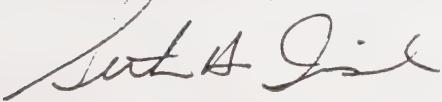
COMMENTS TO "THE AIRPORT LAND USE COMMISSION (ALUC) FOR COMMENTS IN REGARD TO DEVELOPMENT OF THIS PARCEL, CURRENT STANDARDS ARE FOR ONE UNIT PER ACRE." THE ALUC POLICIES ARE: LOW DENSITY RESIDENTIAL IS PERMITTED, HOWEVER, SOME VARIATIONS IN DENSITY MAY BE POSSIBLE. ALUC PLAN, PAGE 3 INDICATES, "IF A CITY OR COUNTY DOES NOT AGREE WITH THE PROVISIONS OF THE ALUC PLAN, AND WISHES TO ADOPT DIFFERENT ONES IN THE GENERAL PLAN, IT MAY DO SO ONLY BY FINDING THE CHANGE IS CONSISTENT WITH PURPOSES OF THE ALUC LAW." GIVEN THE POLICY STATEMENTS OF THE ALUC PLAN ABOVE, THE DEVELOPMENT OF SINGLE FAMILY RESIDENCES SIMILAR TO LOS BANOS UNIT NO. 1 WOULD PLACE THE 8.7 ACRES IN THE APPROACH ZONE AS DELINEATED TO, POSSIBLE LOW-RISK AIRCRAFT LANDING ACCIDENTS. REGARDLESS OF DENSITY, MUCH WOULD DEPEND ON A FACTOR OF "CHANGE" INVOLVED IN AN AIRCRAFT HAVING THE ABILITY TO MANEUVER IN FLIGHT TO AVOID AN ACCIDENT ANYWHERE NEAR THE AIRPORT APPROACH ZONE AREA. CALIFORNIA DIVISION OF AERONAUTICS EXPRESSED A DESIRE TO SEE SOME TYPE OF OPEN SPACE IN THE APPROACH ZONE. NONE OF THE AGENCIES SEEM TO RECOMMEND A STANDARD.

THE EXTENT OF PROTECTION REASONABLY REQUIRED IS A POLICY MATTER TO BE DECIDED BY THE CITY COUNCIL. AT THS TIME, IF THE MATTER IS DECIDED BY THE CITY COUNCIL TO PURSUE AN AREA GREATER THAN THE 7.3 ACRES, THAT THE PROJECTS WOULD NEED FOR OPEN SPACE/COMMUNITY PARK. WOULD THEY BE RE-ZONING THE AREA FROM THE R-1 DESIGNATION AND BE PURCHASING THE SITE FROM THE OWNERS TO INCORPORATE THIS INTO THE CITY PARK SYSTEM?

DEVELOPMENT OF THIS SITE IS A DIRECT EXTENSION OF THE EXISTING LOS BANOS GARDENS UNITS 1 AND 2 THAT ARE BUILT OR IN PROCESS OF BEING BUILT TO THE WEST AND NORTH. THIS PROPERTY HAS PARTICIPATED IN THE SOUTHEAST SEWER TRUNK IMPROVEMENT PROJECT, BASED ON THE 80 ACRES OF DEVELOPABLE LAND. THIS WOULD MEAN A REDUCTION OF FEES PAID BY THE OWNER FOR THIS PARTICIPATION. WHO THEN WOULD BE REQUIRED TO PICK UP THAT FEE?

WE'RE REQUESTING A REALISTIC LOOK AT ALTERNATIVES TO DEVELOPABLE VS. COMMUNITY PARK ISSUE. WE WOULD BE HAPPY TO DISCUSS OPTIONS AND ALTERNATIVES BENEFICIAL TO ALL CONCERNED, WITH STAFF AND AIRPORT LAND USE COMMISSION.

RESPECTFULLY,



SETH H. IRISH



ALEXANDER T. HENSON  
ATTORNEY AND COUNSELOR AT LAW'

July 19, 1988

Culley E. Polehn  
City Planning Director  
P.O. Box 31  
Los Banos, California 93635

Dear Mr. Polehn:

I have been asked by the Grasslands Water District Board of Directors to respond on their behalf to the Notice of Preparation of EIR for the "Comprehensive General Plan Update for City of Los Banos" received by the District on June 20, 1988.

In that regard, we have reviewed the "Initial Study," the proposed general plan amendments, and the memorandum of June 26, 1988 to you from Bob Grunwald. We note the proposed project of General Plan Amendments includes as an amendment the proposed Amabile-Geonnone Annexation for the golf course/residential/commercial recreation complex. While the EIR analysis at the General Plan Amendment stage need not be as precise as the final project approval state, the General Plan Amendment EIR must nevertheless address the environmental impacts of this amendment. In addition to the following, we would incorporate herein by reference the comments sent to you on March 11, 1988 regarding the project designated as State Clearinghouse Number 87111710.

Regarding comments on the Initial Study, we disagree with the conclusions set forth in 1(f), 3(b) and (d), 5(c) and (d), 6(b), 7, 13(a), 17(b), and 21(c) of no impact.

The conclusion in 1(f) is not justified unless it is clear no further mitigation measures are required as a result of moving Mud Slough.

Inquiries 3(b) and (d) must be answered in the affirmative, given the increased runoff attendant to residential development and given the potential conflict from flooding of adjacent duck clubs with concomitant impacts upon the surrounding groundwater level. In the winter when the duck clubs are flooded, and the groundwater table high, the amendment permitting residential/commercial/golf course use will change the amount of surface water and change absorption rates, drainage patterns and the amount and rate of surface runoff.



July 19, 1988  
Culley E. Polehn  
City Planning Director  
Page Two (2)

5(c) and (d) must reflect an impact in relation to the residential/golf course use. The proposed amendment may, by introducing such use so far from town, permanently change flight patterns of migratory waterfowl; domesticated animals (dogs and cats) belonging to the homeowners may impact adjacent lands and duck clubs.

6(b) must be answered affirmatively since at the present time the existing duck clubs are far from any human recreational use or habitation. The noise of shotguns may expose golfers and homeowners to severe noise levels. It is incorrect to assume duck hunters will quit shooting by the time golfers wish to start. Sprig do not start flying until the sun is well up.

7 must be answered affirmatively since it is unrealistic to think of a residential/commercial use without substantial night lighting for safety.

13(a) must be answered affirmatively or there is no point to the general plan amendment. If no one will drive to the golf course nor live in the houses only then would there be no substantial additional vehicular movement.

17(b) should be amended to reflect the problem of mosquito abatement. Duck clubs provide breeding areas for mosquitos. It is unrealistic to assume mosquitos will not travel to the proposed residential development nor attack golfers.

21(c) must be answered affirmatively. Regardless of the merits of a golf course, the fact of expansion into agricultural lands as proposed will encourage adjacent and nearby property owners to establish compatible intensive use of their lands to the detriment of long term wildlife habitat and agricultural production.

It should be remembered this General Plan Amendment is the first step in authorizing the golf course/commercial/residential use. Therefore, the environmental impacts thereof must be addressed now albeit only to the level of detail appropriate to a general plan amendment. Bozung vs. Local Agency Formation Commission (1975) 13 Cal. 3d 263. Thus, the General Plan Amendment EIR is not excused from addressing these impacts because the project may never be approved unless adequate mitigation measures can be devised. This general plan amendment is a project and if there are no adequate mitigation measures available it should not be



July 19, 1988  
Culley E. Polehn  
City Planning Director  
Page Three (3)

approved. Only with an EIR prepared now addressing these points can it be determined whether feasible mitigation measures exist.

Sincerely,



ALEXANDER T. HENSON

ATH:jb  
cc: Grasslands Water District



ALEXANDER T. HENSON  
ATTORNEY AND COUNSELOR AT LAW

RECEIVED  
SEP 6 - 1988  
CITY OF LOS BANOS

August 31, 1988

Cully Polehn  
City Planning Director  
City of Los Banos  
P.O. Box 31  
Los Banos, California 93635

Re: General Plan Update Draft EIR

Dear Mr. Polehn:

I am writing on behalf of the Grassland Water District to provide comments on the above-referenced draft EIR. A principal concern of my clients is the proposed golf course/residential/commercial project east of town.

A review of the draft EIR indicates that public services will not be adversely affected due to the policy that development is to be phased in a manner "which will not place undue strain on the ability of local government to provide adequate levels of public service." DEIR p. V1-19 How are "undue strain" and "adequate" levels of service defined for police and fire response time, frequency of police patrol, water supply capacity, sewage disposal capacity, and school facilities?

Are these public facilities going to be determined as adequate or inadequate depending upon the majority vote of the City Council or are "adequate" levels spelled out in the general plan policies? If specific standards are set forth, the above-referenced analysis of cumulative impacts on public services should reference those standards. If those standards are not identified in any general plan policies, then upon what basis does the DEIR conclude there will be no adverse cumulative environmental impact?

Review of the proposed General Plan text indicates no such standards are articulated. Instead, the "Financial Plan" is evidently where those standards will be worked out. See General Plan, p. V-7 and 8. This would suggest ad hoc decisions. Certainly the General Plan does not provide policies on how "adequate" is defined.

It is further noted the cumulative impact of commercial and industrial development is not specifically identified anywhere. This is so since the General Plan does not set forth any policies defining population density and building intensity for commercially



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or industrially designated lands. See General Plan, p. IV-A-18. In this regard, the General Plan is inconsistent. It states that Table IV-2 "provides a series of quantitative standards for each land use category which in turn are intended to indicate the maximum extent of building intensity." General Plan, p. IV-A-17. However, review of Table IV-2 indicates over one-half of the land use categories described have "No limitation". Not only is this contradictory, it is in violation of Government Code Section 65302(a) which requires a standard for population density and building intensity for each category of land use.

Absent such standards, how has run-off and drainage been forecast from proposed new development? How have sewer lines been sized to anticipate the work force proposed at industrial and commercial lands? The General Plan assures the reader that traffic LOS will not drop below level "C" however without standards to project population density at commercial and industrial lands, how accurate is that forecast?

Also of concern is the lack of analysis in the DEIR of the impacts of city expansion upon non-urban resources. The DEIR does address impacts of city expansion on urban issues but the discussion on wildlife, adjacent agricultural uses, off-site drainage, mosquito abatement and other non-urban issues are all left for another time, after the general plan is amended to accommodate such expansion.

By letter dated July 19, 1988, the Grassland Water District responded to the Notice of Preparation for this EIR and noted disagreement with several conclusions in the initial study, almost all of which concerned non-urban impacts. We would reiterate and include those comments herein as this DEIR has not responded to those comments.

It appears the City is proposing to amend its general plan to allow a major leapfrog development into an area bounded by duck clubs and other agricultural uses without examining the environmental impacts of the golf course/residential/commercial use on those neighboring lands. To say that additional approvals will not be granted pending preparation of a project specific EIR is not sufficient where project impacts can be clearly identified now. Compare Bozung vs. Local Agency Formation Commission (1975) 93 Cal. 3d 263, City of Carmel vs. Board of Supervisors (1986) 183 CA 3d 229, 251. An EIR for a general plan amendment is not to address and compare the amendment to the existing plan but rather to the existing conditions. Environmental Planning, Etc. vs. County of El Dorado (1982) 131 CA 3d 350, 354-355. This the DEIR



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fails to do from issues as significant as drainage to incompatibility of duck clubs and golf courses.

In this regard, it is noted the General Plan proposed to limit any further expansion of the urban uses provided in the proposed Amabile-Geonnnone annexation. General Plan, p. 1V-D-3. However, since that project presumably has such municipal benefits as to warrant such leapfrog development, upon what basis can it be said that another landowner cannot and will not present an equally appealing municipal benefit as to warrant another relaxation of the proposed prohibition on agricultural land preservation?

Before concluding, mention must be made of the statement in the DEIR that this General Plan EIR is to be used as a vehicle to dispense with EIRs for development projects consistent with the general plan which can therefore be processed by negative declarations. DEIR, p. V1-3. This is not accurate. Projects can be approved by negative declaration only where the project as proposed will have no adverse environmental impact. CEQA Guidelines, 15 Calif. Administrative Code §15074. If the project may have adverse environmental impacts (such as conversion of agricultural land to non-agricultural uses) then under certain circumstances a previously prepared EIR may be used with appropriate documentation. See 15 Calif. Admin. Code §15153(a)(b) and (c). The OPR comments on the CEQA Guidelines make it clear that prior preparation of an EIR does not justify, of itself, adoption of a negative declaration for a later project. Section 15153 requires the later project review to use and identify the applicable portions of the prior EIR. Compare Emmington vs. Solano County Redevelopment Agency (1987) 195 CA 3d 491, 502-503, 237 Cal. Rptr. 636. A negative declaration is not to be used. id.

This is relevant herein since as outlined above, the existing DEIR is not adequate.

For the foregoing reasons, it is respectfully requested that the City delete any reference in this general plan update to the golf course/residential/commercial development east of town or alternatively provide in the EIR an adequate analysis of all of the environmental impacts of the proposed project as set forth herein and in our previous letters of July 19, 1988 and March 11, 1988.

Sincerely,

  
ALEXANDER T. HENSON

ATH/jb  
cc: Grassland Water District



## APPENDIX "C"

### CONSISTENCY OF REFERENCED DOCUMENTS WITH THE GENERAL PLAN

#### INTRODUCTION

A series of related documents is listed in Page I-4 of the General plan which serve as a technical supplement to the General plan document. To the extent that these documents may be in conflict with policies of the General Plan, the General Plan shall prevail unless otherwise noted, below. The following summary is provided to assist the user of these related documents in understanding their relationship to the General plan.

#### NOISE ELEMENT OF THE GENERAL PLAN, 1987

This document is wholly consistent with the General Plan, and provides the detailed information upon which the policies of the noise Element have been based. Taken in its entirety, this document constitutes the Noise Element of the General Plan.

#### HOUSING ELEMENT OF THE GENERAL PLAN, 1986

This document is nearly consistent with the General Plan. Important exceptions which have been superceded by policies of the General Plan document include the following:

1. The Residential Potential Map (see Page 33 of the Housing Element) is replaced entirely by policies of the General Plan as depicted on the General Plan Diagram. All areas designated for residential development on the General Plan Diagram which are not indicated as a "Reserve" are to be considered as having good to excellent potential for development under phasing policies of the General Plan.
2. Changes and additions to housing policy provided in Part X of the Housing Element.

Future housing needs identified in Part VII of the Housing Element shall prevail for purposes of meeting requirements of State Law. Taken in its entirety, this document constitutes the Housing Element of the General Plan.

#### CONSERVATION AND OPEN SPACE ELEMENTS, 1973

These documents serve primarily as technical supplements to the General Plan. Policies of these documents are superceded in their entirety by appropriate sections of the Environmental Resources Management Element (ERME) of the General Plan.

#### SEISMIC SAFETY AND SAFETY ELEMENTS, 1974

These documents serve primarily as technical supplements to the General plan. Policies of these documents are superceded in their entirety by appropriate sections of the General Plan ERME.



### RECREATION ELEMENT OF THE GENERAL PLAN, 1988

This document was adopted by the Recreation Commission in 1988, and essential policies and proposals have been integrated with the Recreation Element section of the General Plan ERME. This document serves as a technical supplement to the General Plan, and provides a more refined description of recreation/park development proposals of the General Plan.

### MUNICIPAL AIRPORT MASTER PLAN, 1976

This document is wholly consistent with the General Plan and provides the definitive basis for further improvements to the municipal airport and its environs.

### STORM DRAINAGE STUDY AND MASTER PLAN, 1981

This study and proposed Master plan serves primarily as a technical supplement to the General plan, providing essential information on drainage problems and needs of the expanding urban area. Since the document was never adopted as policy by the City Council, it is used mainly by the Los Banos Department of Public Works and by engineers for private developers in developing plans to integrate new or expanded works with the existing drainage system of the City. As noted by policies of the General Plan ERME, a new drainage plan is required to address unresolved issues concerning the disposal of urban surface water drainage, including the need to pipe existing open ditches and the need to assure that future surface waters will not have adverse effects on landowners downstream of the City who are served by distribution facilities of the Central California Irrigation District and by the Grasslands Water District.

### SANITARY SEWERAGE STUDY AND MASTER PLAN, 1981

This study and proposed Master Plan enjoys the same status and serves similar purposes as the Storm Drainage Master Plan. Since the document was never adopted by the City Council, it is used mainly by the Department of Public Works and by engineers for private developers to integrate new or expanded works with the existing sewerage system of the City.

### STREET TREE ORDINANCE AND MASTER STREET TREE LIST AND PLANTING GUIDE, 1985

This ordinance and Guide are wholly consistent with policies of the General plan, and serve as a means of implementing policy of the General Plan ERME pertaining to visual quality.

### EXISTING ZONING AND SUBDIVISION ORDINANCES, AS AMENDED

These ordinances serve as essential tools of General Plan implementation. The Zoning Ordinance, in particular, requires rewriting in its entirety to assure that its provisions will be consistent with the General Plan. In the interim, the Zoning Ordinance will be interpreted through a variety of existing ordinance sections to assure that policies of the General Plan will prevail. It is important to note that the General Plan serves as the "constitution" for zoning. The land use policies of the General Plan shall prevail in the event of any conflicts between the Plan and these ordinances.



flight patterns might be altered. There is much that is unknown and that could not reasonably be determined short of monitoring a similarly situated project. Once shooting starts on opening day, the localized flight patterns will in any event be altered substantially and can remain in a state of flux if proper periods of non-shooting are not maintained by the various hunting clubs in the vicinity. One question is whether the presence of the golf course and residential complex will permanently alter normal flight patterns during the off-season, with hunting expectations being seriously downgraded as a result.

#### Conflicts with Adjacent Agricultural Parcels

Ag operations such as equipment noise, dust from plowing and chemical spraying either by land or air pose conflicts with houses and to a lesser extent with golfing. Housing units should be clustered toward the interior of the site, with at least one hole width (fairway + tree and shrub corridors) between the site boundary and the nearest residential use. The potential for vandalism and trespassing on agricultural lands would be remote if housing/agricultural land separation is maintained as described above. It is noted that the State Department of Food and Agriculture, the Merced County Department of Agriculture and the County Agricultural Commissioner have responsibility for assuring safe use of agricultural chemicals.

#### Wetlands Conservation Easement Program

A clarification is needed as to whether the property lays within the Conservation Easement Program boundaries established by the Fish & Wildlife Service and to the relationship of the property to duck clubs and other wetlands within the boundaries of the Grasslands Water District.

Regardless of the boundaries, inclusion of adjacent lands under the Easement program is desirable as a powerful tool to permanently implement General Plan policy which calls for maintaining adjacent lands in agricultural open space. The lands to be affected are in agricultural use under existing agricultural land use policies of the City and Merced County, and agricultural zoning of the County. Assuming the per acre value of purchasing the easements is based on agricultural use, contributions by the Project Applicant toward the cost of easement purchase would be a reasonable mitigation measure to impose. In any event, easement purchase must be discussed as an alternative to depending solely on agricultural land use policy and zoning which are always subject to the process of amendment.

#### Requirements for Mosquito Abatement

Project location close to wetlands will generate demands for mosquito abatement. Successful abatement may have negative impacts on invertebrate populations which are important in the food chain. What would be the ultimate impact on fish and wildlife? Would separation of housing from wetlands to the north by placement of fairways be sufficient to minimize mosquito impact on housing, or would mosquito migration to housing occur regardless of the buffer? These are important questions to be reviewed in the Specific Plan EIR.



### Noise from Shooting

Noise impacts from shooting can be mitigated to a considerable extent by increasing the distance of housing from the northern perimeter of the site. With most of the shooting occurring during the first hour of light during the late fall and winter seasons, conflict with golf activity would be at a minimum. However, there is always the possibility of being peppered by shot if the nearest blind is within 100 yards of a golf hole (tee to green).

### Requirement to Move Mud Slough?

It has been suggested that the Corps of Engineers may require that Mud Slough be relocated back to its original alignment as a mitigation measure to return the property (partially) to its former wetland status. What is the significance of Mud Slough's original alignment to fish and wildlife habitat? Would relocation be a reasonable measure or would the cost be so burdensome as to make the project unfeasible? Does the Corps have the authority to require relocation?

### Affect of Wetlands Flooding on Water Table

It has been suggested that the flooding of duck ponds to the north and northwest will adversely raise the water table on the project site to a point where adverse impact will occur (presumably by filling depressions in the golf course needed to detain runoff from 50 or 100 year storms, and/or flooding of housing areas).

### Miscellaneous (all recommended by F. & W. Service)

- Use native trees and shrubs for screening the site from adjacent lands.
- Use special street lighting so as not to light up the night sky during hunting season.
- Project ponds will attract coots, requiring special efforts to herd flocks off of the site.
- No domesticated waterfowl to be released to site ponds because of the danger of disease to wild species.
- Need a biotic inventory of the project site to understand the probable on-site effects of the project on biota.

### Relevant City Policy

It is the policy of the City that significant impacts identified in the Specific Plan EIR will be fully mitigated where feasible, and that the Specific Plan will not be approved by the City if there are significant impacts identified for which there are no feasible mitigation measures, unless the City approves a Statement of Overriding Considerations as provided in the Public Resources Code. To this end, Section 15093 (a) of CEQA Guidelines require the City "...to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project."



"If the benefits ... outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'." Section 15093 (b) further provides that if a decision of the City were to allow the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, "...the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record." Section 15093 (c) concludes by indicating that a statement of overriding considerations should be included in the record of the project approval and should be mentioned in the notice of Determination.









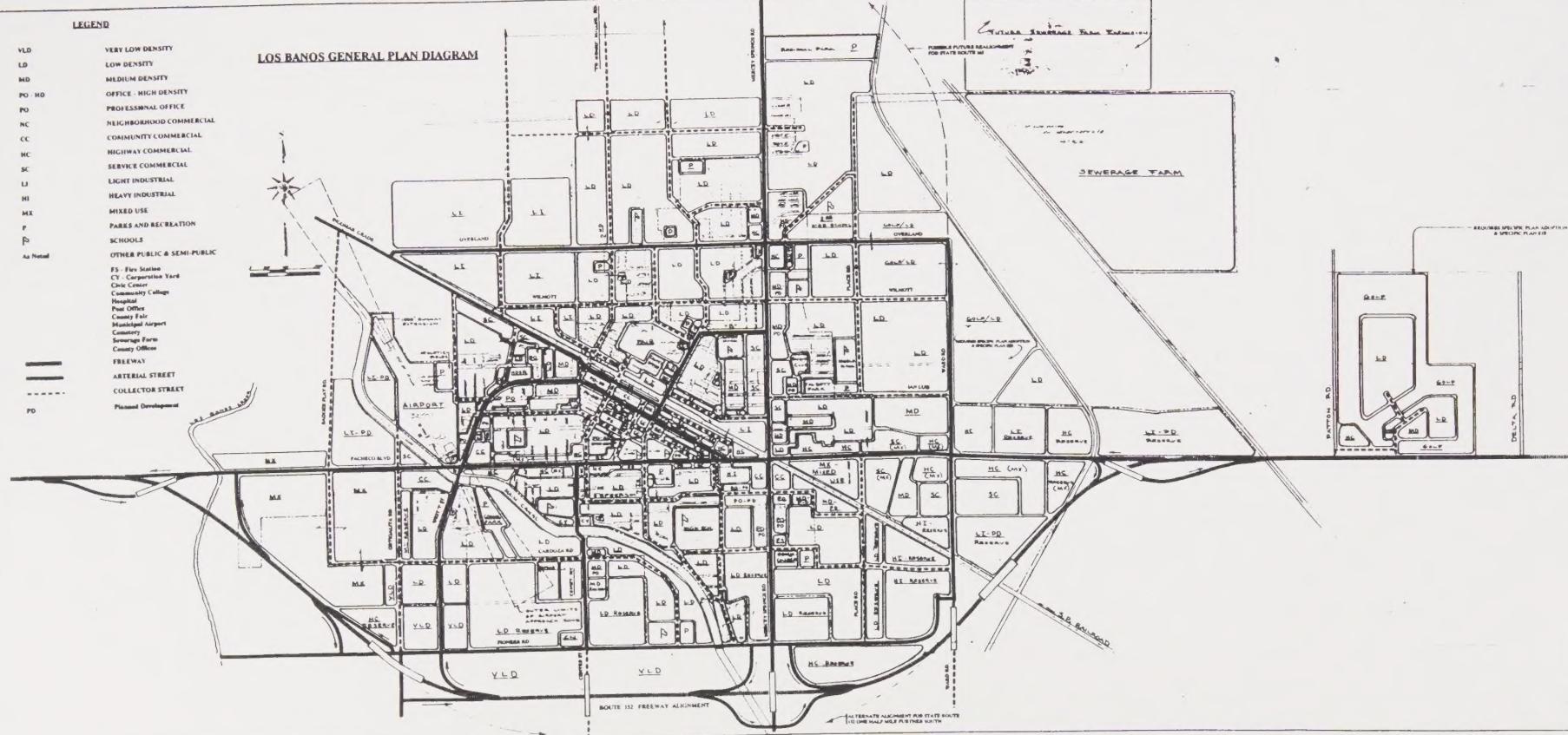


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OFFICE - HIGH DENSITY  
PROFESSIONAL OFFICE  
NEIGHBORHOOD COMMERCIAL  
COMMUNITY COMMERCIAL  
HIGHWAY COMMERCIAL  
SERVICE COMMERCIAL  
LIGHT INDUSTRIAL  
HEAVY INDUSTRIAL  
MIXED USE  
PARKS AND RECREATION  
SCHOOLS  
OTHER PUBLIC & SEMI-PUBLIC

FS - Fire Station  
CY - Corporation Yard  
Cty - County  
Community College  
Hospital  
Police Station  
County Fair  
Municipal Airport  
Cemetery  
Sewage Farm  
County Office  
FREEWAY  
ARTERIAL STREET  
COLLECTOR STREET  
Planned Development  
PD

**LOS BANOS GENERAL PLAN DIAGRAM**

Prepared by Greenwald & Associates  
City & Environmental Planning Consultants  
October, 1988



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